BENTHAM'S

RADICAL REFORM BILL.

Price 4*s.*

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RADICAL REFORM BILL,

WITH

EXTRACTS FROM THE REASONS.

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1819.

ERRATA.

Note, p. 5, Preliminary Explanations, line 2, *for* 6, read 7.
——————————————— *for* 9, read 8.

J. M'Creery, Printer,
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BILL

INTITULED

Parliamentary Reform Act;

BEING

An Act for the more adequate Representation of the People in the Commons House of Parliament.

PRELIMINARY EXPLANATIONS.

Universal Suffrage, Annual Parliaments, and *Election by Ballot.*—At Public Meetings, these are the words commonly (it is believed) employed, for expressing the essential features of Radical Reform.

Another expression, however, there is, which in some respects seems to afford a promise of being more apposite. This is—*Secret, universal, equal, and annual suffrage;* or say, *Secrecy, universality, equality, and annuality of suffrage.* *Suffrage* is the common subject, to which all these qualities are referable: it presents a bond of union, by which all these elements may, in our conception, be knit together into one whole.

I. *Secrecy* is of the very first importance: because where there is no secrecy, there can be no assurance of *genuineness.* The vote may be bribed or forced;

and, whether bribed or forced, the vote is the expression of the wish—not of the voter, but of him by whom he is either bribed or forced. So far as this state of things has place, the wishes, by which the choice is determined, will be—not the wishes of the *many*, governed by the interests of the many, but the wishes of the few, governed by the interests of the few:—by that comparatively narrow body of interest which is in a state of continual opposition to the universal interest; and to which, in so far as the opposition has place, or by the ruling few is thought to have place, the universal happiness will be made a constant sacrifice. So at all times it has been: and, till the many have, at all times, the choice of those by whom their affairs are managed, so, at all times, from the very nature of man, it will be sure to be.

In this Bill, in its largest shape, when published with the accompanying reasons on which it has been grounded, the following will, in a more particular manner, be shown to be the distinguishable evils, to the avoidance of which, secrecy of suffrage is indispensable.

1. Mis-election, Non-election, or Null-election.—Positive mis-election has place in so far as the Representative returned is positively unfit. Comparative mis-election has place, in so far as, if the Representative actually returned had not been returned, another more fit would have been returned.

2. Oppression. This has place, in so far as, by fear of evil at the hands of an individual, a person, entitled to vote, is induced to vote contrarily to what would otherwise have been his wishes, or prevented

from voting according to what would otherwise have been his wishes.

3. Corruption. This has place, in so far as, by hope, or in consideration of, some good at the hands of an individual, a person is induced to vote contrarily to what would otherwise have been his wishes, or is prevented from voting according to what would otherwise have been his wishes.

4. Insincerity. This has place, in so far as, whether by oppression, or by corruption, a man is induced to give his vote contrarily to what would otherwise have been his wishes.—To give, as the expression of a man's unbiassed wishes, a vote which is not so, is imposture.

5. Vexation and expense, by journeys to and from the place of Election, or demurrage at that place, under the yoke of the oppression.

6. Needless discord, and eventual ill will, between man and man: the consequence of forced declaration, of sentiments, or pretended sentiments.

7. Injuries to person and property, by means of tumults: from forced or bribed declarations of pretended sentiments.

8. Injuries to reputation, by Election calumnies.

9. Vexation and expense by litigation.

10. Needless expense from other causes.

By secrecy of suffrage, even without the aid of any other remedy, almost all these evils are either compleatly done away, or at least lessened. The only exceptions are—Non-election, and Null-election; this will be shewn at length in the work at large.

Without secrecy all those other elements of Reform

put together would be worse than useless. Not to speak of tradesmen dependent on the opulent for custom—labourers, and household servants, and journeyman manufacturers—all dependent on masters for employment—and paupers dependent on magistrates for existence (the last class but too little distinguishable from the others) all these would have to give their votes according to the declared or presumed wishes of those on whom they are dependent, in despite of their own wishes, and their own consciences. But of these is composed the Great Majority of the people. Thus would the supposed remedy be but an aggravation of the disease.

The votes of the majority of the Electors, and thence of the whole number of the Representatives, would thus be at the command of Magistrates:—of Magistrates, such as the Manchester Magistrates! and, through them, of Ministers such as Lord Sidmouth, and Monarchs such as his Prince Regent.

But Magistrates, such as are not already like the Manchester Magistrates, may all of them, but for Radicalism, be so at any time; for they are, all of them, placed by the Monarch—all of them removable at his pleasure.

In the State of New York, the Members of the House of Representatives are, all of them, elected by secret suffrage. It was, declaredly, as a measure of experiment, that in 1777 secrecy was in this case appointed in the first instance: by the experience of 42 years it stands confirmed.* Yet in that Country

* See New York Constitution, Art. VI. Constitution of United States, Winchester, 1811, p. 112.—On a careful survey: States in

the demand for secrecy, as a security against intimidation and corruption, is as nothing compared to what it is in this.

Secrecy at the Hustings, it has been said, is of no avail: for a man, who has given his vote in secret, may always, it is said, be made to *tell* how he has given it. To *tell* how he has given it! The deception lies in the word *tell*. What matters it what a man has *told*, when by nothing that a man has told, or ever can tell, can he cause any other man to *know?* When by no man but the voter himself the vote given by him has been perceived, not only may he avoid letting any person *know* what the vote has been, but for him to communicate to any other person any such *knowledge* is absolutely impossible.—I say to Colonel Lowther or Mr. Lamb—Sir, I have given you my vote. In so saying (suppose) I have said true. Good: but how can the Honourable Gentleman know that, in so saying, I have said true? He can no more know that what I have said is true, than he could have known it to be true if it had been false.

Before the day has closed, Mr. *Such a one* (suppose) has said a score of times the thing which is not: the same Mr. *Such a one* goes to bed in the persuasion,

which, for the most numerous branch of the legislature, election is by ballot, 6; open, 2; not said which, 9. Add to ballot Connecticut, as per new Constitution, so late as September 15, 1817.—For Congress, Members for the most numerous branch are in each State, "chosen . . . . . by the people of the several States." Electors' qualifications the same. Art. 1. s. 2. ib. p. 18. Mode of Election not mentioned. It will in course have been the same.

that for a fact to be *said* to be so, and really to be so, is exactly the same thing.—Oh ye of little thought!

II. *Universality* we say for shortness, instead of *Virtual Universality.* No man means, that children that can but just speak, should vote: no man appears to mean that females should vote.

To some it has appeared necessary to exclude from voting *persons insane* and *criminals*: to exclude them by special exception. No wonder:—yet nothing can be more needless. Such as are lawfully under confinement, would no more be let out to vote than for any other purpose. As to those who are not under confinement,—*criminality*, if it means any thing to the purpose, means *mischievousness.* But the most mischievous among criminals, adjudged and denominated such after legal conviction, could not set his foot in either House, without finding himself in company with men in numbers—not to say in a vast majority—more mischievous than himself: men, whose principal differences from himself, consist in impunity derived from situation and confederacy—in impunity added to greater mischievousness: men, whose mischievousness was acting on the largest scale, while his was acting on a petty scale. Exclude criminals? *how* will you exclude criminals? Exclude criminals convict—yes, *that* you may: but, even in this class in which mischievousness is not secured from the imputation of criminality by high-handed impunity, of those convicted how small is the proportion to those not convicted!

Look to the effect! look to the effect!—To look out for grounds for exclusion, is mere lost labour,

where, if all that are proposed to be excluded are admitted without exception, no practical bad *effect* can be produced but by a *lasting majority* of the House. Members might be sent from the Hulks by scores, and yet no lasting mischief done. All the persons put together, whom, for any other cause than want of property, it has ever been proposed to exclude, would, no where, under universality and equality of suffrage, suffice to return so much as a single member to the House. All itineration of voters from polling-place to polling-place, is by this Bill (s. 2.) excluded. This considered, take to this purpose foreigners in amity, even foreigners at enmity, out-laws, bankrupts, insolvents, yes, and peers into the bargain—not by voting do Peers do the mischief that they do—not by voting, but by bribing, and above all by forcing votes, —the truth of the position will not be disproved.

By annoyance to the Members, and thus by disturbance, in an unlimited degree, to the business of the assembly, mischief without bounds might indeed be done: done, by any single member, whether from the Hulks or from the Drawing Room. But, against all such mischief, provision is made in this Bill, more effectual than has ever yet been in the House. See s. 13.

It is for want of considering the subject on a sufficiently large scale, that objections deduced from the unfitness of individuals, without considering whether the number of them could ever swell so as to produce any mischievous effect, have in a case of this sort been considered as applicable.

Exclusion in so far as unnecessary, is by no means

innoxious. Out of it grow contestation, litigation, mis-election, null-election. These are the reasons, and are they not sufficient ones?—for excluding it: yes, exclusion is, in all such cases, fit for nothing but to be excluded.

Look once more to America: to United America. In some of the States the pecuniary qualification exacted is real; in others it is no more than nominal; and, where qualification is but nominal, suffrage is virtually universal. Payment of a tax, which every man is admitted to pay, and which the poorest can afford to pay, is a qualification purely nominal. If, in the admission of universal-suffrage-men, there were any mischief—any so much as the least danger—it could not, in that country, fail to be seen: —seen, by the difference in point of social order and prosperity, between those States in which the pecuniary qualification is highest, and those in which it amounts to nothing. In Pennsylvania it amounts to nothing. Number of free Inhabitants, of all conditions, ages, and sexes, 800,000: number of Voters at a late election, 108,000. These numbers were lately given me, by an authority above dispute. Pennsylvania is of all the States among the most flourishing and the most orderly, if in this respect there be any difference.

Under Radicalism, all property, it is said, would be destroyed. So says Mr. Deputy Jacks:* all property destroyed, the Monarchy and the Aristocracy notwithstanding.—Mr. Deputy Jacks—has he ever heard of such a place as Pennsylvania? In Pennsylvania,

* Morning Chronicle, 10th September, 1819.

for these forty years, radicalism has been supreme: radicalism without Monarchy or Aristocracy: radicalism without control, and not any the slightest shock has property there ever received.

Property, it is continually said, is the only bond and pledge of attachment to Country.—Not it indeed. Want of property is a much stronger one. He who has property can change the shape of it, and carry it with him to another Country, whenever he pleases. He who has no property can do no such thing. In the eyes of those who live by the labour of others, the existence of those by whose labour they live, is indeed of no value: not so in the eyes of the labourers themselves. Life is not worth more to yawners than to labourers: and their own Country is the only Country in which they can so much as hope to live. Among a hundred of them not ten exceptions to this will you find.

Now as to the qualification by *reading*.—At first blush, it seems to involve exclusion:—it does no such thing in effect. From two to three months social pastime, at the hours of repose from work, would give it to all adults in whose eyes the privilege were worth that price: and he, in whose eyes it were not worth that price, could not, with much justice, complain at the not having it. Qualification by Householdership does involve exclusion: for it is not in every man's power to pay rent and taxes for a House. Householdership is evidence of property: it is for this cause that it is required by those who stipulate for it. Qualification by payment of taxes—*that* too involves exclusion: if by payment of taxes be meant that which is any thing

to the purpose. Qualification by payment to indirect taxes, if those be the taxes meant, is *universality of suffrage:* for where is the human being that pays not to taxes on consumption? to the taxes called *indirect* taxes?—Payment to direct taxes—to assessed taxes for example, is Householdership under another name. Qualification by reading involves no exclusion: for every man who chose could give it to himself. He could do so, before a Bill such as this could go through the forms, even supposing Honourable House ever so well disposed to it.

An Elector is a trustee: a trustee ought not to be unfit for his trust.

It is to reading that the people owe all their strength: that strength at which, even thus early, tyrants tremble.

III. By *equality of suffrage,* is meant equality of effect and value, as between the suffrage of one man and the suffrage of another. The greater the number of the votes to each seat, the smaller is the effect of each vote.

1. Of practicable equality, as between District and District, the principal use is to secure, even in the least populous District, a number of votes sufficient to render bribery, and corruption in other shapes, impracticable: and, upon this plan, such will be the number, if the utmost inequality, as between the number of votes to one Seat and that to another, is confined within the limits here proposed. See s. 1.

What should never be out of mind is—that without the reduction universally made in the marketable value of votes by this equality as between suffrage and suffrage, without the reduction made, in the value of a

seat, by annuality of suffrage,—without the defalcation made, from the effective force of corruption, by the greatest practicable reduction made by the exclusion of placemen, in the quantity of money and money's worth applicable to the purpose of corruption,—without these aids, secrecy of suffrage would not suffice to insure exclusion of effective corruption: for, to an extent more or less considerable—without discoverable and punishable bribery,—money, money's worth, or benefits in various other shapes, might be made receivable by a voter, in the event of the success of this or that Candidate, and not otherwise: and thus, without hazard of prosecution, the ends of bribery might be obtained. Still, so long as the majority of the Members are not kept in a constant state of sinister obsequiousness by the Monarch or the Minister, corruption among the voters to this or that seat—nay even corruption on the seats themselves—is but an evil in tendency, not a sensible one.

2. In the case of the *Country* seats—from inequality of suffrage, that is to say from inequality of distance, from the polling place, as between some residences and others—comes inordinate distance in the case of the largest Polling Districts: thence, either undue exclusion, or unduly oppressive burthen by expense and loss of time, in journeys to and fro, and demurrage.

3. Supposing inequality between District and District so great, as to afford a ground for the supposition of partiality on the part of the carvers, here would be a sense of injustice. Evil in this shape, the provision made in s. 1. will, it is hoped, be found

effectually to exclude. Suppose for instance that, by local circumstances, reason should be afforded for allotting to this or that Election District not more than *half* the average number of votes; to this or that other not fewer than *double* the average number. By inequality to no greater amount than this, supposing good local grounds assigned, no considerable cause for suspicion would, it is believed, be produced.

IV. Of *annuality of suffrage*, the main uses seem to be as follows—

1. The faculty of divesting of their power all unfit Representatives, before they have had time to produce any lasting mischief.

2. The keeping them out of the way of temptation, by rendering their breach of trust not worth purchasing by the Corruptor General, at any price for which it would be worth the while of a man in their situation to sacrifice his good name.

To this frequency of recurrence, objections have been made.—One is composed of the proportionably frequent repetition of the Election evils. But those evils arise solely out of the existing system, and they will be seen to be completely excluded by the system here proposed. At present they are carefully preserved, or even increased:—increased to the utmost, by the rich and worthless, in order to keep off all Competitors that would be fitter men than themselves.

3. Another objection is—that under annuality of suffrage the change of hands would not in fact be so frequent as they now are under septenniality. Re-election (it is said) would grow into a habit, and

there would be no particular time for breaking it. The answer is—change, oftener than once in seven years, would not *then* be, as it is *now*, impossible: impossible, how strong soever the reason for it may be: unless indeed it should happen to be regarded as called for by the particular interest of the Monarch and the Minister, and then it may be made with every imaginable degree of frequency. Under *annuality*,—with the degree of frequency thus expressed the change will actually take place, as often as, in the judgment of the only persons who have before them the means of judging right, there is a sufficient reason for it. Rendering a thing impossible, is but an aukward contrivance for rendering it more frequent. Means more refined could scarcely be found: means more effectual could, without much difficulty.

4. Another objection is—that under annuality there would not be time enough for going through a business of any considerable length by the same hands. The short answer is—that if fit for the business, the same hands will be continued: if not fit, the sooner they give place to such as are fit, the better.

Under the existing system, interruption of all business that, by being beneficial to the universal interest, would be prejudicial to the separate and sinister interest of the ruling few, does, and to an enormous degree, constantly take place; and so long as the existing system continues, the evil thus produced by it will continue: interruption, and not only that, but what is so much worse, prevention. [See Parl. Re-

form Cat. sect. 14.] Under the proposed system it would not take place. [See this Bill, sect. 12.] On the other hand, no business, that is brought on in pursuance of the sinister interest of the rulers, ever can suffer interruption: for theirs is the choice of times. Time there always is for depredation and oppression: time there never is for remedy against either. Just so as at Manchester: time there was enough for killing or hacking men, women, and children: no time for receiving proof of it. Methods there are, and most effectual ones, for keeping off whatever it is that Right Honourable Gentlemen choose to keep off; and this without so much as the trouble of a debate.

For hundreds of years, in times of the greatest prosperity—of as great prosperity as the ferocity, the ignorance, and the superstitions of the times admitted of—suffrages were given, and Representatives renewed, not only annually, but oftener: the result, much good, no preponderant evil assigned or assignable. If Lord Holland will indemnify the Bookseller, the proof shall be printed at large, from the Records. A careful and honest hand I know of, has made large progress in the collection of it. How happy would his Lordship be to find that, as to this matter, he has been under mistake: how prompt to declare it!

The States, in the North American Union, are by this time 22: and in every one of them suffrage is annual; one excepted, in which it is or was half-yearly. In the Congress alone it is *biennial:* in this case manifestly by reason of the length of journeys between the place of meeting and some of the States. From the frequency in question, no inconvenience

was ever so much as alleged. But, to eyes determinately shut, nothing is ever visible. Annuality is incompatible, it is said, with any Government: so say Whigs and Tories: yet, in United America, Government, is in a better state than in England: even Whigs may be seen declaring this.

In Republican America there are no dungeoning Acts, no gagging Acts, no Riot Acts: accordingly there are no riots. In Republican America, there is no punishment for free inquiry, on pretence of punishing seditious meetings and blasphemy. There is, therefore, no sedition there: and there is more religion than in England.

The English Constitution has its good points, and it has its bad points. The good points are—those which have been preserved in America with improvement and increase. The bad points are—those which it has in common with Turkey, with Russia, with Spain, with Austria, with Prussia; with that Country from which the Guelphs came, and to which they may perhaps return. The bad points cannot very easily be defended one by one: they may with perfect ease be defended all together: and this is what is always done, although not always meant, as often as a man joins in the parrot cry of Constitution! Glorious Constitution! Matchless Constitution. Those, whose sinister interest attaches them to the bad points, call, of course, for our attachment to the whole. And thus it is that, in the name of *loyalty*, our attachment is called for to whatever is most mischievous and vile.

A work is in the press, from which a judgment

may in some measure be formed, whether, among so many seats of misrule as there are in Germany, there is any other State, in which it is carried so near to perfection as in Hanover: whether the scraps of liberty which had been left by the Bonapartes, have not already been destroyed there under the Guelphs. In what is *there effected*, read what is *here intended*. The principles of Charles the First were read in the Sermons of Doctors Sibthorpe and Manwaring, and in the judgments and opinions of the Judges of that time: the principles of George the Fourth may be read in the Sermons of the Courier, and in the charges of Lord Chief Justice-any-body.

Secrecy, universality, equality, and annuality—behold in them the four cardinal points of the constitutional compass: Secrecy is the polar star.

Without secrecy of suffrage, universality, equality, and annuality, all together would be worse than nothing. Even without universality, without equality, without annuality, secrecy would of itself do much: nor against it, even by those who suffered most by it, could so much as a shadow of objection be raised. Secrecy would be a strong pledge for complete Reform, and of itself no inconsiderable step to it. It would of itself be a great part of the Reform, and might engage men to wait with thankfulness and patience for the rest. In what multitudes would the galling chains of terrorism be broken by it! What a downfal to the White slave trade! What a body of private prudence rescued from oppression! What a body of genuine patriotism rescued from self-sacrifice! Mr. Brougham would second the motion, or a laugh would run

through Westmoreland as often as his eloquence ventured to indulge itself in a complaint of Lowther influence.

All cry of danger—danger to property—would here be without pretext. If in radicalism there were any real danger, it might be excluded by *graduality*. Yes, by graduality. But by what graduality? Not assuredly by that which Lord Erskine, and his clients, have so plainly shewn *they* mean—a gradual progress in doing nothing. No: but a gradual introduction of members really chosen by those by whom they pretend to be chosen:—really chosen by those whose interest is the universal interest. The proportion—say a fourth at a time; say a fifth; say a sixth. France, which under its newly simplified and improved mode of Election lets in a fifth at a time, has in that particular shewn us an example. I mention this—not as necessary—not as eligible—but as that which a Whig, if there were any sincerity in him, could not object to.

Against radicalism, where any thing better than bellowing or barking has been brought forward, it has been in the shape of a prediction of the *destruction* of property, as a result to be apprehended. Whether for this apprehension there be any substantial ground, may be seen in a paper, with which this will ere long be followed, under the title of RADICALISM NOT DANGEROUS.

TITLE OF THE PROPOSED ACT.

"*Parliamentary Reform Act: being an Act for the more adequate Representation of the People in the Commons' House of Parliament.*"

TITLES OF THE SECTIONS.

Preamble.—By the King,* with the advice and consent of the Lords Spiritual and Temporal, and the Commons in Parliament assembled; for the more adequate representation of the People in the Commons' House, it is thus enacted:

Section 1. SEATS AND DISTRICTS.

Art. 1. This Act has for its main subjects the matters following; namely,

I. The number of Seats in the Commons' House, and of the Districts by which they are to be filled. *See* Articles 2, 3, 4, 5, 6.

II. The description of the *Electors,* by whose votes these several seats are to be filled: say *Electors, who; see* Section 2. *See* also Section 5. *Election Apparatus;* Section 7. *Voters' titles, how pre-established;* Section 8. *Election, how;* Section 10. *Vote-making habitations, how defined.*

III. The description of the persons, who shall be capable of filling those several seats as *Members:* say *Eligible, who*; Section 3. *See* also Section 6. *Promulgation of recommendations in favour of proposed Members.*

IV. The *process* by which those seats shall be filled: say *Election, how; see* Section 8. *See* also Section 4. *Election Offices;* Section 5. *Election Apparatus;* Section 7. *Voters' titles, &c.*

V. The *time,* during which the Members shall, without fresh Election, continue in their seats: say *Members' continuance; see* Section 11. *See* also Section 12. *Vacancies, how filled;* Section 13. *Security for the House against disturbance by Members.*

Art. 2. The number of *Seats* shall be, as at present, six hundred and fifty-eight.

Art. 3. For determining what persons are to be Electors, the whole surface of the United Kingdom shall be divided into *Election Districts,* the same in number as the Seats. *See* Section 9.

* Note I.

Art. 4. In and for each Election District, *one* Member, and no more, shall be elected.

Art. 5. In respect of quantity of population, the Election Districts shall be as nearly *equal* to one another, as convenience, in respect of local circumstances, will permit.

In no district shall the number of Electors be less than [half]* the average magnitude: in no district more than [double].

But, unless for special cause assigned, no purposed departure from the average shall be made.

In quantity of *population* being thus nearly equal, in *extent* the districts will consequently be proportionably different. *See* Section 9.

Art. 6. For saving of delay, vexation, and expense in journeys, and inconvenience by thronging at the place of polling, any *Election District* may be divided into *Polling Districts*, called also *Sub-districts.*

In each Sub-district, the Votes belonging to that Sub-district shall be received, and thence transmitted to the Office of the Election District. *See* Section 8.

Section 2. ELECTORS, WHO.

Art. 1. Saving as per Article 6, Every male person, in whose favour a written instrument, in the form in Article 4 described, by the name of a *Vote-making Certificate*, shall, by the persons therein described, have been signed in manner therein mentioned,—shall, in and for the Election District, to which, according to the description given in Sections 9 and 10, he appertains, be entitled to deliver his vote, as per Section 9, at the Election of a Representative of the People for that same District.

Art. 2. To be valid, such Vote-making Certificate must be signed by three persons, styled *Vote-makers.*

* Note II.

Art. 3. No person can be a Vote-maker, unless he or she has been a Householder, occupier of a Household within the Election District in question, for and during at least [twenty-six weeks] next before the day on which the Certificate is signed.

For the arrangements, established for determining what Habitation shall to this purpose be deemed a Household, *see* Section 10.

Art. 4. Here follows the *Form* of a *Vote-making* Certificate:*

Election District [ ].
Polling District [ ].

This is a *Vote*-making Certificate, made to serve for the ensuing Parliament, which is to meet on the 1st day of January in the year 1822.

The day on which it is made is the [ ] of [ ] [1821].

The person to whom it is to give a Vote is [ ].

The persons, by whose declaration, as hereinafter expressed, this Certificate, and thereby the Vote, are given, are WE, whose names and descriptions are here, by our several hands respectively, immediately underwritten, in the alphabetical order of our surnames; to wit

[ ]
[ ]
[ ]

That which we hereby certify is, that, according to the several true declarations following, as contained in the nine numbered paragraphs following, he the said [ ] is entitled to give a Vote, in the Polling District above mentioned, on the Election of a Member to serve for the Election District above mentioned, in the above-mentioned ensuing Parliament.

"I. At the House of [ ] above written, on the day above written, on or about [ ] of the clock in the [ ] we, whose names and descriptions are above written, did write them: to wit, each of us his own name

* See this form filled up, Note III.

and description, in the sight, and at the same time in the hearing, of the two others.

" II. In our sight and hearing is now present the above-mentioned [ ]. His name and description, his name being herein and now immediately written by his own hand, here follows, to wit [ ] Inmate in the Household whereof the above-mentioned [ ] is Householder.

" III. He declares to us, that in the above-mentioned Household, to wit, [ ], for upwards of [*four*] weeks together, ending with the commencement of this day, he has been [*an Inmate*]. It is our belief, that this his declaration is true.

" IV. He declares to us, that he is upwards of 21 years of age. It is our belief, that this his declaration is true.

" V. In the sight and hearing of all of us together, he has read aloud the whole of the printed part of this certificate.

" VI. Also, divers lines, pitched upon by us at random, in the act of parliament, by which this Certificate is required.

" VII. It is the sincere belief of every one of us, that the lines so pitched upon by us were really read by him, and that they had not, any of them, been committed by him to memory, for the purpose of their falsely appearing to be read. They were not, in any part, repeated by him from the mouth of any other person.

" VIII. From the manner of his reading, as above, we do believe him capable of reading any portion of the 'New Testament,' as printed in the English language.

" IX. He has, in like manner, in our presence, signed the declaration following. 'I do hereby, seriously, deliberately, and solemnly, declare and promise to my fellow-countrymen, as follows:—

DECLARATION.

'1. *When, at the approaching Election, by means of this Certificate, I have given my vote, I never will declare, nor otherwise endeavour to make known, to any person whatsoever,*

directly or indirectly, either for or against, what proposed Member such my vote was given.

'2. Should any question be ever put to me, any one word said to me, or any sign made to me, having for its object the causing me so to make known my vote; every such question, word or sign, I shall consider, as the law considers it, as an attempt at oppression.

'I do hereby declare, that under the sense of such oppression, no more reliance ought to be placed on any thing I say, than if the same were addressed by me, to a robber, or to a person insane, for the purpose of saving, from immediate destruction, my own life, or that of some person dear to me. Witness my hand.
[ ].

Art. 5. Here follow the *Instructions*, as to the mode of obtaining and making use of this blank Certificate :—

Of this Certificate, in its blank state, two copies are delivered at the same time, from the Polling Office of the Polling District at which the vote is to be given, to or to the use of, the proposed voter. When filled up, they are, by him or some person on his behalf, presented at the Office.

At the Office, one of them, if found correctly filled up, is delivered back, to the end that, at polling time, it may, on being presented by him, procure him admission to the place where he is to deliver his vote. The other is left at the office. They are to be filled up, each of them in the same words.

For issuing out blank Certificates, and receiving them when filled up, the hours of attendance at the Office are—in the forenoon from [ ] to [ ]; and in the afternoon from [ ] to [ ].

Art. 6. No person, who, during the whole or any part of the time of his residence in any such Household as aforesaid, shall have been either Officer or Private, in any branch of his Majesty's military service, by land or water, in such sort as to be subject to martial law,—shall, in respect of such residence, be entitled to a vote, unless during the whole of such time he shall have

been the Householder thereof: nor accordingly shall any vote-making certificate in his favour be received at the Polling Office, unless, in the appointed place, the word* *Householder* is inserted.

Section 3. ELIGIBLE, WHO.

Art. 1. For the filling of a seat in the Commons' House, a man may be proposed, either with or without his own concurrence:

If with his own concurrence, he is *a Candidate.*

In either case, he is a *Proposed Member.*

Art. 2. To qualify a man to be so elected, two requisites are necessary:

I. A *Recommendatory Certificate,* otherwise styled a *Certificate of appropriate aptitude,* as per Article 3.

II. Payment, by him or to his behoof, of coin made of a certain sum of money, under the name of *indemnification money,* towards the defraying of the Election expenses.

The sum appointed is [*one hundred and twenty pounds*].

Art. 3. Here follows the Form of such a *Certificate of appropriate aptitude:*

" District of [ ] [*year, month, and day.*]

" I. We the undersigned, do hereby recommend *A. C.* [*Here describe his condition in life and abode*] as a person fit to serve, as a Representative of the people of Great Britain and Ireland, in the Commons' House.

" II. In our consciences we sincerely believe, that in all the several points of *appropriate aptitude* taken together, viz. *appropriate probity, appropriate intellectual aptitude,* and *appropriate active talent,*† he is either more fit than, or at least as fit as, any other person, who being willing to serve, can entertain any reasonable expectation of being elected in and for this District.

" III. For any thing that we know or believe to the contrary, he would, if elected, be willing to serve."

* Note IV. † Note V.

N. B. 1. *To render this Certificate valid, the concurrence of Six Recommenders is necessary.*

Any number of names greater than *twelve* is not admissible.

All, if any, that follow the twelve first written, are to be struck out by the Officer to whom the instrument is delivered.

N. B. 2. *Each Recommender must, for one year at least, ending with the day of his signature, have been an Inhabitant within the Election District.*

So, at the end of his signature, he must declare.

N. B. 3. *Of this Certificate there must be three Copies, all signed by the several Recommenders.*

Of these Copies, one may be taken back by the person who delivered them.

The two others remain for that time in the office.

The following are the names, conditions in life, and abodes of the Recommenders, in their several handwritings:—

[

]

Art. 4. [ ] Days before the day for the delivery of a *definitive Recommendatory Certificate*, proposed Recommendatory Certificates, in favour of the same proposed Member, may be delivered in by so many sets of Recommenders, in any number.

If more than one are delivered, the person so recommended, or his authorized Agent, may, by writing his own name or the first letters thereof, at the end of each name, select out of them the requisite number of names: and the persons, whose names they are, are the Co-Certifiers in the *definitive Recommendatory Certificate.*

If no such selection be made, the proposed Certificate *first* delivered in, is the Definitive Certificate.

For this purpose, entry of the day, month, hour, and minute of delivery, shall be made by the Clerk, on the face of the instrument.

So also, in the Books of the Office, in the Journal of that day.

Art. 5. [ ] Days before the Election Day, the several definitive Recommendatory Certificates shall have been delivered in at the District Election office: after that time, unless for remedy to neglect, wilful or casual, at the Office, no such Certificate shall be received.

At the time of the delivery of the Certificate, the Indemnification money shall be paid.

A receipt, dated and signed by the Clerk, shall be given as well for the money, as for the Certificate.*

Section 4. ELECTION OFFICES.

Art. 1. For conducting the business of Elections, by Sub-District Clerks and District Clerks, under the direction of an Election-Master-General, the following Offices are hereby ordained.

Art. 2. In every Election Sub-District, there shall be a *Polling Office.*

Therein are delivered in, one by one, the votes appertaining to the same Sub-District.

Of the Office-bearer, the official name is—*Clerk of the Election Sub-District Office,* or *Polling Office, Clerk of the Polls,* or *Poll-Clerk* in and for that Sub-District. For his functions, *see* Sections 2, 3, 5, 6, 7, 8, 9, 10.

Art. 3. In every Election District, there shall be a *District Election Office.*

Therein, from each Polling Office within the District, is delivered in the accounts of the numbers of the votes therein given for the several proposed members. Of the Office-bearer, the official name is—*Clerk of the Election District Office,* or *Election Clerk* in and for that District. For his functions, *see* Sections 2, 3, 5, 6, 7, 8, 9, 10.

Art. 4. The Election Office of the District may be under the same roof with the Polling Office of any Sub-District.

* Note VI.

The conduct of the business may be in the hands of the same person.*

Art. 5. An office, under the name of the *National Election Office*, shall be attached to the House of Commons.

Of the Office-bearer, the official name is—*Master of the National Election Office*, or *Election-Master-General*, or *Election Master.*†

His functions are as follows:—

I. To issue out Election Writs for the receipt of votes.

II. To receive the returns made in obedience to such Writs.

III. To direct and superintend the conduct of all persons in the offices of Polling District and District Clerks.

Art. 6. The Election-Master-General is to be appointed by the Crown, at the recommendation of the Keeper of the Great Seal.

He will be at pleasure removable by the Speaker of the House of Commons.

Art. 7 The Election-Master-General appoints the several District Election Clerks, and the several Poll Clerks.

For special cause assigned, he has power to remove at any time any District Election Clerk, any Polling Clerk, or any of their respective Deputies or Assistants.

Of his order for this purpose, an attested copy shall, on the day on which the original is transmitted, be delivered in at the Office of the Speaker of the House of Commons.

Art. 8. By death, or sudden indisposition of Office-bearers, the business might, but for due provision, be delayed or frustrated: so likewise by unexpected increase in quantity in some parts of the business: for remedy it is thus ordained.

In every Sub-District, the Poll Clerk has power to appoint, and revoke at pleasure, a *Deputy.*

Every such Deputy, as well as his principal, has power to appoint any number of *Assistants:* their powers, subject to his authority, are the same as his.

* Note VII. † Note VIII.

Except in case of special exception, every provision, in which mention is made of the *Principal*, shall be understood to extend to his *Deputies* and his and their Assistants.

The person appointing is, in each case, responsible for the conduct of the person whom he appoints.

Art. 9. In the case of a District Office, like power and responsibility, as per Art. 8. for providing eventual deputies and assistants.

Art. 10. If, at any time, in any District, there should not be any person capable of acting as Poll Clerk, the District Clerk has power to appoint a person, who, during the vacancy, shall perform the functions of the vacant office.

Art. 11. By incapacity, negligence, or disaffection, on the part of a Poll Clerk, the business might be inconveniently delayed or frustrated, before the Election-Master-General could have time to appoint another in his stead. For remedy, it is thus ordained:—

The District Clerk has power, on his responsibility, in case of necessity, to appoint a person to officiate in place of any such Poll Clerk, until the determination of the Election-Master shall have been made known.

If, for want of such temporary appointment, any such delay or frustration shall ensue, he is responsible for this default, as if it were his own.

An Instrument of *Appointment*, signed by him, shall for this purpose be delivered in at the Polling-office.

On or before the signature of it, a copy, accompanied with a brief intimation of the cause, shall be transmitted by post to the Election-Master, at the National Election-office.

Another copy shall be entered in the Register of the District-office.

Art. 12. In the case of the National Election-office, like power and responsibility, as per Article 8, for providing eventual deputies and assistants.

On the decease of an Election-Master-General, the business

of his office shall, by such deputies and assistants, be carried on, until a successor to the office shall have been appointed.

Art. 13. By reason of death, or other accident, it might happen, that, in a District-office, for want of a person authorized by the Election-Master-General, the business shall be at a stand, and the completion of the Election process in this District, within the appointed time, become impracticable. For remedy, it is thus ordained:—

In case of necessity, the Chairman of the Magistrates of the County, in which the District-office is situated, has power to appoint a person to perform the business, until an appointment from the Election-Master-General shall arrive. *Poll Clerk Substitute by necessity* shall be the name of office of the person so appointed.

So, in default of such temporary appointment, any Justice of the Peace, whichsoever shall soonest reach the office.

Art. 14. In no instance, to any Deputy, Assistant, or Substitute, as above, shall any remuneration be given at the public expense.

To the Principal it belongs to afford compensation for labour, of the demand for which any deficiency on his part has been the cause.

In case of vacancy in the office of the Principal, any remuneration, given to any subsidiary functionary, as above, shall be taken out of the pay allotted to the office.

Art. 15. For the more clear, correct, complete, incontestable, and lasting preservation, of the evidence of such transactions as shall have place in virtue of this act, and thereby securing the eventual responsibility of all persons concerned,* it is thus ordained:—

On the occasion of every act, which the Office-bearer performs, he shall make entry thereof in the proper Register Book of his office, attested either by his name at length, or by the first letters thereof, together with the place, and the time as expressed by the year, month, and day of the month.

* Note IX.

He shall moreover state the capacity in which he acts, whether as *Principal, Deputy, Assistant,* or *Substitute by necessity;* as likewise if he be not the Principal, the office of the Principal for whom he acts.

On the occasion of every act which he performs, in presence of an individual, having interest therein, as proposed Voter, or agent for a proposed Voter, or otherwise—he shall make mention of the name and residence of such individual, as declared by him.

He shall moreover add to the designation of the day, as above, the hour of the day; namely, the last hour that has been completed; and shall, if required, add the minute.

To every instrument in which he bears a part, he shall, before it passes out of his hands, annex his attestation; including name of office, proper name, place, and time, as above.

Art. 16. For the more effectual prevention of mis-entry through fraud or error, it is thus ordained:—

In no entry made in the Register of any office ordained by this Act, shall any word or portion of a word be, on any occasion, or in any manner obliterated, to such effect as to be illegible.

In so far as error is discovered, or supposed to be discovered, the course shall be to draw a plainly perceptible line along the length of the word, or part of a word, meant to be condemned.

For the designation of the person by whom the correction is made, his name, or the first letters thereof, shall in the margin be subjoined by him.*

Section 5. ELECTION APPARATUS.

Art. 1. In the whole of its texture, and in this section in particular, the Act has for its main end the prevention of the following *evils,* all of them incident to the Election Process, that is to say,—

I. *Mis-election, Non-election,* and *Null-election:* mis-election, by the election of persons positively unfit, or less fit than would have

* Note X.

been returned otherwise: mis-election, to wit, by want of secrecy of suffrage, and thence by want of freedom, as against intimidation and corruption.

II. *Needless delay, vexation, and expense,* by *length of journeys* to and from the place of Election, and of *demurrage* there.

III. *Tumults;* that is to say, injuries to person or property openly inflicted by persons assembled in large numbers, in a state of irritation.

IV. *Vexation and expense* to *individuals,* by *litigation* respecting rights of suffrage.

V. Needless *expense* to the *public,* in respect of the *process* employed.

It has thereby for its main end the securing to the public, in respect of the Election Process, the several benefits of *due Election, dispatch, tranquillity,* and *economy.*

Art. 2. In respect of time, accidents excepted, the Election process is accordingly thus ordered:

I. In every Polling District the voting process is to be completed in one day.

II. In every Election District the voters are, on the next day, to be received, from the several Polling District offices, at the Election District office, and the return being then made up, is, on that same day, to be thence transmitted to the National Election office.

III. These days shall be each of them the same, in every Election District throughout the United Kingdom; or at least in Great Britain and Ireland respectively.

IV. To this end it is so ordered, as that each man's title to vote shall have been established, by a day, anterior by a sufficient length of time to the voting day. *See* Section 7.

V. And this in such sort, as that, setting aside the cases of forgery, fraudulent personation, and certainly provable and punishable falsity of assertion—for no one of which offences any adequate temptation can, it is believed, present itself—no such title shall stand exposed to litigation or adverse contestation.

Art. 3. Here follows a specification of the *Apparatus* and corresponding set of *operations* hereinafter immediately described, by means of which, for the purposes just mentioned, the Election Process is in each District to be carried on:

No. I. Proposed *Member's Blank Recommendatory Certificates.* Tenor, as per Section 3. Form and size such as are suitable for *placarding.*

No. II. *Blank Vote-making Certificates.* Tenor, as per Section 2.

No. III. Sets of *Voting Name-Cards:* to be used as per Section 8.

No. IV. Sets of *Secret-Selection Boxes,* for selecting Name Cards: to be used as per Section 8.

No. V. Sets of *Vote-receiving Boxes* for receiving Name-Cards when selected: to be used as per Section 8.

No. VI. Sets of *Name-Card Boxes,* or Compartments, for containing the Name-Cards, while in the Selection Boxes.

No. VII. Sets of *Distinction Tickets,* for distinguishing from one another, and from the surrounding multitude, by universally conspicuous marks, the Voters and other classes of persons, bearing different parts in the Election process: to be used as per Article 7.

No. VIII. *Stereotype Plates,* for printing blank *Recommendatory Certificates,* as per Sections 3, 6.

No. IX. *Stereotype Plates,* for printing Blank *Vote-making Certificates,* as per Sections 2, 7.

No. X. *Printing Presses,* or other *Machines,* for *printing* or *stamping* Blank Certificates, *Voting Cards,* and *Distinction Tickets.*

Art. 4. A *Voting Card* is composed of two oblong slips, of exactly the same size and shape; each of them (suppose) two inches by one inch, forming together a square: applied one upon another, they exactly coincide.

I. On one side of each of them, the name of a Candidate, the same name on each, is either stamped, or in case of necessity, written.

II. With the exception of the name, they are, each of them, white on the stampt side, black on the other side.

III. They are connected together by two hinges, each formed of a piece of thread, one near one end of the length, the other at an equal distance from the other end.

IV. When the two slips are applied, one upon another, the only two surfaces exposed to view are both of them black, and the name which is on the white surfaces, is unperceivable.

For the mode of voting by means of one of these Cards, *see* Section 8.

Art. 5. A *Secret-Selection Box*, is a Box, in and from which the Voter selects the name of the proposed Member for whom he intends to vote.

I. Within this Box are *Name-boxes;* in number not less than that of the proposed Members.

II. Each Box contains as many Voting Cards as there are persons entitled to vote in that Polling District; all presenting to view, as per Art. 4, the name of the same proposed Member.

III. In form, the Selection Box resembles a hot-bed frame, or a tradesman's shew-glass, of that sort which has a sloping front.

IV. In size it is (suppose) about two feet in length by one foot in width; and in depth, in front one foot, at the back 15 inches.

V. In the back board, is a plate of ground glass, for the letting in of light. without rendering any objects within it visible.

VI. In each of the sides, is a hole, large enough to let in a hand with part of the fore-arm, in such sort that a man's two hands may meet within it to facilitate the selection of the intended name.

VII. In the top is a narrow plate of glass not ground, of such form and size as to enable a Voter to see the several Boxes with their several contents, and thus select the name of the proposed Members for whom he intends to vote: but in such sort that nothing within the Box shall at that time be visible to any other person.

VIII. Lest, by the place of the hands while selecting, it should be known, or guessed, from what Proposed Member's box a Voter

has selected his card—the boxes are so disposed, that no name can be reached on either side, till the arm has been considerably advanced within the box.

IX. In this view, the space, destined for each Proposed Member's voting cards, is distributed into different boxes: and in situation the different boxes allotted to different Members are made to alternate one with another.

X. Or else the whole number of cards together may be lodged promiscuously in one and the same receptacle.

XI. The receptacles may be either separate boxes, or compartments made in the same box.

XII. In the boxes, the cards are placed with the inscribed sides uppermost.

XIII. Each selection box is made to contain Name-Cards for Six Proposed Members, and no more.

XIV. Should the number of the Proposed Members ever exceed this number, each successive Proposed Member, or his Recommenders, must, at the production of the Recommendatory Certificate, furnish, at their own expense, a *selection box*, capable of containing *name-boxes*, equal in number to the whole number of Proposed Members constituted by the addition which they respectively make.

Art. 6. A *Vote-receiving box* is a box of cast-iron, or other sufficiently strong and cheaper metal, if such there be.

I. In form it is (suppose) a double cube, standing on one of its small sides.

II. In size, it is large enough to receive and keep concealed a number of *voting cards*, equal to that of the whole number of persons entitled to vote in the Polling District in which it is employed.

III. On the top, is a lid, which opens by a hinge, and when closed rests on a rim, so as to form one surface with the remainder of the plane into which it fits: in such sort, that when sealing wax, being dropt on it, has been impressed with a seal, the lid can not be opened unless the seal is broken.

IV. In this lid is a slit, into which, at the time of voting, the cards are successively dropped. Near this slit rises a pin, on which slides a metallic plate, by which the slit is occasionally closed.

V. In form and dimensions, the slit is so ordered, as to receive the cards with ease, without exposing the name to view, as they are dropt in, or afterwards.

Art. 7. Here follows the description of a *Distinction Ticket:*

I. Place where worn, the front of the hat.

II. Material, cotton, or any other cloth, if cheaper, that will not tear or spoil by wet.

III. Size and form, such as to cover the front half of the crown of the hat.

IV. Colour of the border, and of the letters of an inscription included within it, different according to the class.

V. For Poll Clerks and their occasional Deputies and Assistants, (suppose) black; for Constables, blue; for Proposed Members' Agents, green; for Voters, red.

VI. Contents of the inscription, the name of the individual; beneath it, the name of the class, to which, as above, he belongs.

Art. 8. For the purpose of the first Election—from the National Election Office, may be furnished, to the several Polling Offices, accompanied with necessary descriptions and instructions, the several implements following—(to wit)

I. Secret-selection Boxes.

II. Vote-receiving Boxes.

III. Stereotype Plates, for printing Blank Recommendatory Certificates.

IV. Stereotype Plates, for printing Blank Vote-making Certificates.

V. Printing Presses, or other machines, for printing or stamping Blank Certificates, Voting Cards, and Distinction Tickets, as above.

The use of these Stereotypes and Presses is to prevent the stock from being exhausted, by accidents, negligence, or design,

in such sort that before a sufficient supply can be obtained, the voting process may be delayed, or even frustrated, and thus Mis-election, Non-election, or Null-election, may ensue.

Art. 9. For dispatch, or economy in respect of construction and carriage, the Election-Master-General may appoint any other place or places, in which the above articles, or any of them, shall be constructed, and from which they shall be conveyed to their respective destinations.

In this case, instead of the articles themselves, in the requisite quantity, let specimens or models be transmitted from the office.

Art. 10. When once provided, the several implements shall be kept in the offices to which they respectively belong.

At the expense of the Counties in which the offices are respectively situated, the implements shall, in proportion as they are consumed, or become decayed or useless, be, from time to time, repaired or replaced, as the case may require.

Section 6. PROMULGATION OF RECOMMENDATIONS IN FAVOUR OF PROPOSED MEMBERS.

Art. 1. For *sufficiency* and *equality* of *notification*, and to exclude, as far as may be, all such *undue advantage* as might be derived from *superiority of expenditure*,—provision is hereby made as follows for the promulgation of Recommendatory Certificates.

Art. 2. From the several *definitive Recommendatory Certificates* delivered in favour of the several proposed Members, as per section 3. the Election District Clerk prepares the *General Recommendatory Certificate Paper* of the District.

Copies thereof shall, under his care, be printed in two forms: namely, the *Placard form* and the *Newspaper Advertisement form.*

The text is the same in both. It is composed of the Form, as per Section 3, Article 3; omitting only the prefixed date, and the

three Notes; and adding the several lists of Recommenders, headed by the names of the respective Proposed Members.

The order, as between list and list, shall be the same as that in which they were delivered in at the office.

The instrument is to be attested and signed by the District Clerk.

Art. 3. Choice of placarding places shall be made in this manner. A list of Edifices within his District, such as shall seem to him proper for this purpose, shall be made out by the Election Clerk of each Election District.

[ ] days at the least before the Election day, a copy of such list, directed to the Election-Master-General at the National Election Office, shall be delivered in, by the Election Clerk, at the nearest, or other more convenient, General Post Office.

Art. 4. In this list shall be comprized:

I. All Polling Offices.

II. All other Government Offices; and in particular all Post Offices and Excise Offices.

III. All Town Halls.

IV. All Cathedrals, Parish Churches, and Chapels of the Established Church.

V. All dissenting Meeting Houses: including Catholic Chapels, Quakers' Meeting Houses, and Jewish Synagogues.

VI. In every town or village, containing [one hundred] Houses, and not containing any such public building as above,—licensed Public Houses, one, two, or three; to be fixt upon by the Election Clerk at his discretion, regard being had to the purposes mentioned in Article 1.*

Art. 5. [ ] days after the receipt of such List at the National Election Office, reckoning according to the course of the Post, shall, by each District Election Clerk, be allowed for the consideration of his list by the Election-Master-General.

* Note XI.

At the end of this length of time, with the addition of that which, in the instance of each such Election District Office, regard being had to local distance, is necessary for the transmission of an answer thither from the National Office,—if no answer therefrom have been received, such list is to be employed.

If an answer is received from the Election-Master-General, giving order for amendments, then shall such amendments be conformed to, and the list employed shall be such as the amendments indicate.

Of the answer received, or of the expiration of the time without answer, as the case may be, entry shall be made in the Register Book of the District Office.

Art. 6. Here follows a provision for keeping up the list of placarding places.

[ ] days before the last day of each successive year, a copy of the printed list of the year last preceding,—with indications in writing, proposing such amendments as, by the lapse of time, shall, in the judgment of the said Election District Clerk have been made requisite,—shall in like manner, by means of timely transmissions from the District Offices, according to their respective distances, have been received at the Election-Master-General's Office.

They shall thereupon be re-transmitted and employed, subject to amendments, as per Article 5.

Art. 7. In each Election District, as soon as the General Recommendatory Certificate paper has been compleated, and (as per Article 4 and 5) the number of placarding places ascertained,—the District Clerk shall cause to be printed, in the placard form, a number of such Certificates, equal to that of the said placarding places, with a surplus sufficient for incidental demand.

Having so done, he shall by Post, as per Article 3, transmit, to each of the several Polling Offices within his District, a number, correspondent to that of the several placarding places within that Polling District, with a competent surplus, as above.

Art. 8. Immediately upon receipt of his allotment of General

Recommendatory Certificate Papers, each Polling Office Clerk shall make appointment of a competent number of persons, under the name of *Election Placarders*, by whose hands the several placards shall be affixed on the several placarding places.

To each of such Election placarders he shall deliver, in manuscript or print, a *Paper of Instructions*, for his guidance in the execution of such his Office.

Art. 9. For the more effectual prevention of all obstruction thereto, each such Election Placarder shall, within such Polling District, have the power, as attested by the ensign of Office, of a *Special Constable.*

Of these powers a specification shall be contained in such Paper of Instruction.

The Election-Master-General shall, from time to time, as occasion may require, draw up a Paper of such Placarding Instructions for the whole Kingdom.

But with all such variations, and such only, as in his judgment may be suitable to the circumstances of particular Districts or Sub-Districts.

Art. 10. On payment of [1s.] the Editor of every Newspaper, having, or designed to have, currency in any Election District, may, if desirous of publishing in such his Newspaper the General Recommendatory Certificate Paper of the District, cause his name and address, accompanied with an intimation of such his desire, to be registered at the Office of such District.

This done, a copy of such paper shall, at or before the time when the operation of placarding commences, be transmitted to him by the General Post from the said Office.

As between Newspaper and Newspaper, it is the duty of the Election Clerk so to order matters, that every such Newspaper shall receive such Certificate Paper, as nearly as may be at the same time, in such sort that no advantage be given to any one to the prejudice of any other.

Art. 11. Of every such General Recommendatory Certificate the Copy shall, in every Newspaper, be free of Stamp Duty.

It shall be printed without change, and without any comment immediately prefixt or subjoined.

If, in the printing thereof in any Newspaper, any change be made, for the purpose or to the effect of undue preference or prejudice to any proposed Member, whether by omission, addition, or substitution, or any difference in the type or mode of printing, the proposed Member so injured shall have his remedy against the Editor of the Newspaper, by action for Damages and with Costs.

Art. 12. Of the three original definitive Recommendatory Certificates, delivered in in favour of each proposed Member, at the Election District Office, as per Section 3, Article 3, the Clerk shall by the next post transmit one to the National Election Office.

Section 7. VOTERS' TITLES PRE-ESTABLISHED.

Art. 1. The following are the *evils*, for the avoidance of which the arrangements in this section are ordained :—

I. *Vexation and consumption of time*, in the *proof* of *claims* to the right of suffrage, and in *contestations* respecting it.

II. In case of disagreement, *eventual litigation*, with the vexation and expense attached to it.

III. *Consumption of time* in such sort as incidentally to produce *non-election* or *null-election*; or at least the *excluding* of persons in numbers more or less considerable, from the exercise of their *rights of suffrage*.

IV. In case *Householders'* votes alone are by law admitted, intrusion of *Inmates'* votes.

For the avoidance of these evils, it has been thought good that, *antecedently* to the day of voting, the title of each Voter shall have been established.

Art. 2. For this purpose, at each Polling Office, three several Register Books are to be kept; namely,

I. *The Application Book.* In this book, entries are made of applications made for Blank Vote-making Certificates.

II. The *Voters' Book.* In this book, persons, by or for whom application is made as Voters, are set down in the alphabetical order of their surnames.

III. The *Filled-up Certificate Book.* This Book is composed of the duplicates of the Vote-making Certificates in the state they are in when filled up. They are kept in the Office, to form a standard of comparison for the corresponding duplicates, when produced on the Polling day, in support of each person's claim to be admitted to vote.

Art. 3. [ ] days at the least before the appointed Polling day, to enable himself to give a vote, the proposed Voter must take out two copies of a blank form of a Vote-making Certificate, as per Section 2.

The place at which he applies for this purpose, is the Polling Office, of the Polling District, within which the habitation in respect of which he proposes to vote, is situated.

He may apply in person, or by any person appearing for him, as *Agent* for this purpose.

In the Application Book, before the Blank Certificates are delivered, entry is made of the name and habitation of the proposed voter, on whose behalf the application is made.

The description given of his *name* is that which is prescribed in Section 2.

The description given of the *habitation* is that which is prescribed in Section 10.

If the Applicant is the *proposed Voter* himself, note of his being so is taken, by entering under the word *Application*, with which one column of each page in the Book is headed, the word *personal;* adding, as per Sections 9 and 10, the description as given by him of the habitation in respect of which he claims to vote: also whether as Householder or as Inmate.

If he be any *other person*, then, under the words *Application by agent*, with which another column in the same page is headed,

are inserted the name and habitation of the proposed Voter; as also the name and abode of the agent.*

To each such entry is prefixed an indication of the year, month, and day of the month on which the application was made: also the name of the applicant, signed by him.

This done, on payment of [3*d.*] for each, the Blank Certificates are delivered.

Art. 4. The use of the *Voters' Book* is to exhibit the names of voters in *alphabetical* order, that being the only order, in which reference can at all times, without loss of time, be made.

Whenever a pair of Blank Certificates has been delivered, and entry has accordingly been made in the *Application Book*, as per Article 3,—the name of the proposed voter is entered in this book, according to the situation of his surname in the alphabet.

In a line with it are written the words *Certificate delivered*, together with the month and day of the month, and the page in the Application Book.

For each of these indications a column, headed accordingly, is provided.

Art. 5. The instruments being thus delivered, [ ] days at the least before the day of Election, the proposed voter must come in and produce them at the Polling Office, by himself or agent, filled up as per Section 2.

These the Clerk examines; and, if he finds the duplicates sufficiently conformable to each other, and to the directions contained in the tenor of them, as per Section 2—he returns one of them forthwith to the person by whom it was produced.

But first he writes or stamps on it the words *EXAMINED, and found correct and re-delivered, to be used in giving the vote*: together with the month, the day of the month, and his signature.

The other he retains for the use of the office. It constitutes a page in the book called the *Filled-up Certificate Book.*

He attests it in like manner; and, instead of the words *Exa-*

* Note XII.

mined and found correct and *re-delivered*, &c. he writes or stamps on it the words—*The duplicate hereof was examined, found correct, and re-delivered to be produced on giving the vote.*

Art. 6. For remedy against misconception, error, or fraud, in the composition of Vote-making Certificates, it is thus ordained:

If, in either duplicate of a pair of filled-up Certificates, any error is observed by the Clerk, intimation of such error, and of the alteration necessary for correction, is afforded by him.

It is expressed by entries briefly made in the margin of the instrument, and authenticated with signature and date, as per Article 5.

If the correction thus required be of such a sort, as that, for the prevention of fraud, it is in his judgment necessary that a fresh meeting of the Vote-makers should have place,—he thereupon, after entry made of the errors and of the alterations requisite, gives intimation of such necessity, and of the cause thereof, to the person applying, and writes or stamps upon the paper the words, *A fresh Meeting is required.*

If, in his judgment, such fresh meeting is not necessary, he stamps or writes the words *A fresh Meeting is not required.*

If, in his judgment, consideration being had of the state of the errors, and the situation, quantity, and quality, of the corrections requisite, the same instrument can not conveniently be made to serve,—he delivers a fresh blank instrument, having first written or stamped on the corrected instrument, the words, *Returned for incorrectness as above explained; fresh pair of blank Certificates at the same time delivered*:—with date and attestation as above.

If, in *one only* of the duplicates, error requiring correction is observed, he retains for the Filled-up Certificate Book, the correct duplicate. But, for the memorandums, instead of the words, *Duplicate hereof found correct and re-delivered to be produced on giving the vote*, he inserts the words, *This Duplicate found correct: the other found incorrect, and re-delivered for correction.*

If *in both* duplicates error requiring correction is observed, he returns them both, noted as above.

In this case he delivers Blank Certificates, or not, as the case may require.

Art. 7. For remedy against accidental loss or defacement of Vote-making Certificates, before or after filling up, it is thus provided:

Suppose any such accident to have happened, the proposed Voter, by himself or agent, makes application at the office for a fresh Certificate, or fresh Certificates, as the case may be.

He declares the nature of the accident: for example—*Lost by accident, Destroyed by accident, Defaced by accident.* If defaced and not lost, he produces it.

Of this declaration entry is made in the Application Book, in the same manner as in the case of an original application.

For such entry the same fee is paid.

Such application may be made more than once: but if, from the number of successive applications, already made by or in behalf of the same proposed Voter,—it should appear to the Clerk that it was through sinister design, or wantonness, that they were made,—delivery may be and ought to be refused by him.

In this case entry shall be made by him, noting the number of the times, and adding, *Delivery refused on suspicion of sinister design or wantonness.*

So likewise if it be suspected by him, that a person, applying in the name and character of a proposed Voter, is not such proposed Voter, but an impostor.

Or that a person, applying in the name and behalf of a proposed Voter, was not authorized by him.

In all these cases he shall, in the Application Book, make entry of the ground, on which, as above, delivery was refused.

Art. 8. On payment of a fee of [*3d.*] for the whole, these and all other books of the office are, in office-hours, open to the inspection of all persons, so far as may be without hindrance to the more material parts of the business.

Section 8. ELECTION, HOW.

Art. 1. For the periodical day of the first meeting of a parliament, see Section 12: [ ] days before that day, the Election Process everywhere commences.

It *commences* at the Sub-District Office, where there is one: it is *completed* at the District-office.

Art. 2. Here follows the mode of proceeding at the Polling-office.*

At the time of voting, the station of the Poll Clerk is separated, by a rail or other sufficient partition, from that of the multitude, voters and others.

Near to him is the *Secret Selection-box*, described in Section 4.

Within reach of this Box is the station of a *Vote-receiving Clerk*, by whom the *Voting Card*, immediately as it is selected by the Voter, is received from him, and dropped into the *Vote-receiving Box*,—both described in Section 5.

That the state which, at the time of the delivery, the Voting Card is in, may be perfectly seen by the whole company present,—the station of the Receiving Clerk is,—though at some distance, and by a rail separated from the spot occupied by the Voter at the Selection-box,—yet within reach of it, and at the same time elevated a little above it: in such sort that the Card can not be delivered by the Voter, without his raising his arm to deliver it, nor received by the Receiving-Clerk without his lowering his arm to receive it.

Art. 3. The Hustings are more or less raised above, and by a sufficient partition separated from, the attendant multitude.

Included therein are,—1. The station of the Poll-Clerk;—2. The station of the Proposed Members, or of any such Agents of theirs as are in attendance;—3. The station of the Voters' Secret Selection-box;—4. The station of a Vote-receiving Clerk with his Vote-receiving Box.

* Note XIII.

To prevent confusion,—interposed between the station of the attendant multitude and the Hustings is a passage; in width sufficient to afford a convenient station to one man; in length (suppose) six, eight, or ten feet; formed by a sufficient partition, with a bar at each end.

To give admission to a Voter,—the bar, at the end furthest from the Hustings, is lifted up.

He presents himself with his Distinction-Ticket in his hat.

On his admittance into the passage,—for the information of all concerned, and in particular of the Poll-Clerk, the Voter's surname first, and then the first letter of it, are audibly pronounced, and at the same time the Voter's Copy of his Vote-making Certificate is handed up by him to the Poll-Clerk.

On receiving the Voter's Copy, the Poll-Clerk, being informed as above, turns to the corresponding copy, as it stands in the filled-up *Certificate-Book:* a short glance enables him to see whether the Copy thus prescribed is the duplicate of it.

As soon as he is satisfied of its being so, the bar opens; and the Voter repairs to the Secret Selection-box, within which he chooses the Card that bears the name of the Proposed Member for whom he means to vote.

Art. 4. In the Secret Selection-box,—the Voter, looking through the pane of glass in the top, introduces his hand or hands, at the side-apertures, and having taken up the Card that bears the name of the Proposed Member for whom he means to vote, closes it while yet in the Box, by applying together the two white surfaces with the name, leaving on the outside the two black ones.

In this closed state he takes it out; and, holding it aloft, delivers it to the Vote-receiving Clerk.

The Vote-receiving Clerk, without opening it, instantly drops it into the Receiving-box.

If the two plates, of which this Card is composed, are not clapped together, as above, by means of the hinges on which

they turn,—the name on one or both of them may be visible: in that case, the Card is torn; and he who presents it loses his Vote.

So, if they are folded together with the two black surfaces on the inside; in this case the name will be on the outside of each of them, and thus be visible.

If the Proposed Voter takes out more cards than one, they are replaced in the Box, and he loses his Vote.

If, having received the Card closed, with the two black surfaces on the outside, the Receiving-Clerk, before he drops it into the Receiving-box, opens it, in such sort that the name, or any part of it, is visible,—he is by the Poll-Clerk dismissed from his office, and divested of his Distinction-Ticket on the spot.

Art. 5. As soon as the Voter hath, as above, delivered up his Card, he is let out through a *bar;* which, to prevent stoppages, is different from the one through which he was let in.

As he passes out, his Copy of his Vote-making Certificate, by which admission to the Selection-box was procured to him, is returned to him, for the purpose of its being eventually employed by him on succeeding Elections. *See* Art. 12.

Art. 6. For dispatch, two or more Secret Selection-boxes may be employed: one Receiving-Clerk may serve for two or more boxes.

Art. 7. As soon as the time appointed for the admission of Voters is expired, the Poll-Clerk closes the Vote-receiving Box, by sliding the plate over the slit, as per Section 5, Article 6. He then applies his seal to the junctures; in such manner that, without breaking it, the lid can not be opened, nor the slit uncovered.

He then admits the Election Agents, in like manner, and for the like security, to apply their seals.

Lastly, he covers the whole, by a covering of cloth without seam: the junctures are secured by seals, as above.

The Box is in this state delivered, by the Poll-Clerk, to a Messenger, by whom it is taken to, and deposited in, the Election District Office.

Art. 8. Regard being had to the respective distances, the Election-Master-General appoints the time or times of the day, at or before which the Vote-receiving Boxes shall, from the several Polling-offices, have been received at the District Election Office.

Art. 9. Here follows the mode of proceeding at the District Election Office:—

I. At this office are provided Boxes, marked with the names of the several proposed members.

II. As soon as the vote-receiving Boxes from the several Polling Districts are come in, or the time allowed for their coming in is elapsed—they are opened by the District Clerk, in presence of the several proposed Members or their Agents, or such of them as choose to attend.

III. In presence of the whole company the Voting Cards are thereupon taken out and sorted: the Cards, respectively appertaining to the several proposed members, being dropped into their respective boxes.

Art. 10. The numbers being immediately summed up, the name of the proposed member, in whose favour the comparative majority of the whole number of votes is found to have been given, is openly declared.

The instrument of return, drawn up by means of a blank form, provided by the Election-Master-General, the same for every District, is attested by the District Clerk: the agents of the several proposed members add their respective attestations, or their declining so to do is noted.

On the instrument of *Return*, are entered the numbers of the Votes, for the several proposed Members at the several Polling Districts.

The instrument is, that same day, transmitted by post to the National Election Office.

Art. 11. If, and as often as, by tempestuous weather or other accident, the free resort of the Voters to the Polling Office within the ordinarily appointed time has been rendered imprac-

ticable—the Poll Clerk, within his District, has power to prolong the time.

In such case, he shall give the earliest possible notice to the Voters in general, to the District Election Office, and to the National Election Office.

Art. 12. Follow the conditions on which, to save time and trouble, each Voter's Certificate, after having been employed in any Voting District, may be employed at each *succeeding* Election, without need of fresh signatures by Co-Certifiers.

At the first Election at which it is employed—the Poll Clerk, before the Voter's departure from the Hustings, redelivers to him his Certificate, having first stamped, or caused to be stamped upon it the words following, together with the date and his signature: *Redelivered, to be employed at succeeding Elections.*

On each succeeding Election, if, at the time of its exhibition at the Office, there has not, on the part of the Voter, been any change of name or abode, it is again, as per Section 9, marked with the words—*Found correct, and re-delivered for further use,* together with other words and figures to the effect in that Section described.

If there has been any change of *name,* entry thereof shall be made, introduced by the words *Present Name.*

If there has been any change of *abode,* in that case are to be added words and figures designative of the fresh abode, preceded by the stamped words—*Present Abode.*

A Vote-making Certificate, once employed in any one Polling District, may, on these conditions, be thereafter employed in any other Polling Districts in the United Kingdom.

Art. 13. For the more effectual prevention of disturbance—every person officiating as Clerk of a Polling Office, shall—within his Sub-District, and every Sub-District immediately contiguous to it—during the continuance of the whole of the Election Process, possess and exercise, so far as shall be necessary for this special purpose, the powers belonging to the office of *Justice of the*

Peace. In particular, the power of appointing *Special Constables.*

Upon occasion, all instruments signed by him shall, by all Justices of the Peace, within their respective fields of jurisdiction, be backed: backed as the same instruments might be, if signed by any regularly appointed Justice of the Peace.

SECTION 9. ELECTION DISTRICTS AND POLLING DISTRICTS HOW MARKED OUT.

Art. 1. In this Section, provision is made for determining the *limits* of the several *Election Districts,* with the *Polling Districts* therein respectively contained.

In the following Section, for determining the *mode* in which the several Vote-making Households shall be *ascertained, registered, denominated,* and *marked.*

Art. 2. For these purposes, *Commissioners,* in such number as to his Majesty shall seem meet, will by his Majesty, at the recommendation and with the advice of the Election-Master-General, be appointed.

Their numbers may, from time to time, be augmented or reduced, as occasion may require.

Of these Commissioners, the official name is—*Commissioners of Survey and Demarcation and Enumeration for Parliamentary Election purposes;* or *Commissioners of Survey and Demarcation:* or *Demarcation Commissioners.*

Art. 3. For *Great Britain,* one set of such Commissioners shall be appointed; for *Ireland,* a different one.

Art. 4. No Election District or Sub-District shall be composed partly of land in *Great Britain,* partly of land in Ireland.

Art. 5. As between England and Scotland, no such separation, as per Art. 3, need have place.

Art. 6. The surveys to be performed are two: 1. the *preliminary* or ordinary geographical; 2. the *appropriate.*

Art. 7. The *preliminary* operation is that, by which the geographical divisions,—expressed by degrees, minutes, and if need be, seconds, of longitude and latitude,—will, as in ordinary maps, be determined and marked out, by physical and mathematical observations, measurements, calculations, and delineations: with the addition of the physical distinction between land and water, with or without the distinction between plain land and elevated: togegether with the existing political divisions into Kingdoms, Provinces, Counties, Hundreds, and so forth.

Art. 8. The *appropriate* operation is that, by which the new and appropriate division into Election Districts and Sub-Districts, will be performed.

It will have for its basis the ordinary geographical operation.

Art. 9. The appropriate operation, in its several parts, may either be performed at nearly the same time with the ordinary operation, or at any greater intervals, according as the Election-Master-General shall from time to time appoint.

In so doing, let him have regard to convenience in respect of delay and expense: and, in each instrument of appointment, particularise his reasons.

Art. 10. For the preliminary and the appropriate operations, the same set of Commissioners may serve.

Out of the general set, particular sets or particular individuals may, from time to time, be appointed by him to particular portions of the business: he will throughout have regard to presumable appropriate aptitude, as indicated by profession, known experience, or otherwise.

Art. 11. Of the preliminary operation, the Maps, constituting the geographical result, will be upon two different scales: namely, the *Country Scale* and the *Town Scale.*

Art. 12. The Country Scale is that upon which the general or all-comprehensive map is to be constructed.

Of this general Map, let the scale be large enough for inserting, in every space allotted to a Country Parish, the name of the Parish.

Also, in every space allotted to a Town Parish, a number referring to its name in the margin of the Map; as likewise, in a manner more or less conspicuous, an indication of the *site* of every the smallest Dwelling House.

Art. 13. From this Map shall be copied or constructed, on the same scale,—or on a scale as much larger as local convenience, in the judgment of the Election-Master-General, may require,—separate Parish Maps, exhibiting the several Parishes: namely, either on the original Country Scale, or on an enlarged Country Scale.*

In some instances, for example to the purpose of the Poor Rates, the Parish, by reason of its largeness, stands already divided into sections, named *Tythings* or *Townships*, or by some other appropriate name. In every case of this sort, at the discretion of the Commissioners, may be constructed, instead of one map of the whole Parish, a map for each one of these Sections.

Or, so as the whole parish be exhibited, any two or more of them may be comprised in one and the same Map.

An *Extra-parochial place* may either have a Map to itself, or be comprised in the Map belonging to some adjacent Parish or section of a Parish.

Art. 14. On the Town Scale, shall be constructed Maps, and portions of Maps, large enough to exhibit to view, in a more distinct manner, the sites of the several Habitations.

According to the density of the population,—in some Parishes the whole of the territory will require to be laid down upon the Town Scale;

In other Parishes, no part of it.

In others again,—the whole of the territory being laid down upon the Country Scale, namely, on the original scale, or, as per Article 13, on the enlarged scale,—particular portions, one or more, will require to be laid down likewise upon the Town Scale.

* Note XIV.

These will be to be exhibited either in the margin, or upon a separate sheet, as convenience may require.

Art. 15. Here follows the description of the mode of indication, which, for facility of reference, shall be employed in every such map :—

I. By parallel vertical lines, crossed at right angles by horizontal lines, the whole surface of the engraved part of the paper or parchment is divided into a certain number of compartments.

II. To the left, of the left hand one, of the vertical columns thus formed, is attached a correspondent vertical column, composed of the letters of the alphabet, with any such number of additional marks of the same nature, as may be necessary for the designation of the total number of the compartments in that column : as A. B. &c. A a, A b, &c. B a, B b, &c.

III. Over the highest horizontal line runs a line of numbers, in numerical order ; one over each vertical column.

IV. By means of a letter or pair of letters, with a number added to it, each compartment in the Map, will thus have its distinctive name. The letter will shew the place of the compartment in the horizontal line : the number will shew the place of the compartment in the vertical line.

V. Thus the first compartment on the left at top will be A. 1 : the next to it in the horizontal line at top, will be A. 2. ; the next below it in the vertical line, B. 1.

VI. The several places, mentioned in the Map, are set down in the margin of it, in the alphabetical order of their names. Immediately after the name of each place, comes the letter and number of the compartment, within which it will be found.

VII. As for example, Abingdon, D. 7 ; if that be the compartment within which that town is placed in the Map.

VIII. Of this series of names, with such their respective accompaniments, entered, as above, on the margin, is composed an Index to the Map. It is called the *Marginal Index.*

IX. The lines, by which the boundaries of the compartments

are expressed, are called *Indicative lines, Index lines, Lines of reference, or Reference lines.*

X. These lines of reference are to be expressed in such manner, as to be as clearly distinguished as possible from the ordinary geographical lines, expressive of longitude and latitude.

For example: by difference of colour, or by their being, the one undiscontinued in the manner of an ordinary line, the other composed of dots.

Art 16. Here follows the mode in which the Districts are to be marked out.

In the operation, the Commissioners will have for their object the rendering these portions of territory as nearly *equal* to one another in respect of population, as the necessarily and continually changeable condition of every portion of country, in respect of population, and the regard due to local convenience, will allow.

As they proceed in their survey, they will note and set down the several *Habitations* in each Parish or other such Place.

In each Habitation, they will inquire out, and set down, the numbers of the Inhabitants, under the distinctions of sex and age. Of the male Inhabitants, the age will be to be noted: of the female Inhabitants, not.

To this purpose, Habitations are to be distinguished into *simple* and *compound.*

A *simple* Habitation is a habitation inhabited by one Householder,* and no more: and thus containing but one Household.

A *compound* Habitation is a Habitation containing Householders, and thus Households, more than one.

Instances of compound Habitation are—

I. An ordinary House, when it happens to be inhabited by more Householders than one:

II. An Edifice, designed to contain, and accordingly containing, divers Habitations; as a College, an Alms House, an Hospital, an Inn of Court:

* Note XV.

III. An Edifice which, though not principally designed for habitation, yet incidentally affords lodging to Householders, one or more: as the Treasury, the East India House, a Town Hall, or any other Public Office.

Art. 17. For these purposes it will be necessary, that not only each Habitation, but in each Compound Habitation each Household, shall have its distinctive name.

These names will be constituted by words and figures, for which see Section 10.

The name of the Habitation will be composed of the name of the *Approach* to it, with a number (to wit) the name of an arithmetical number, annexed.

Of what is meant by *Approach*, the words *Edgware Road, Hounslow Heath, Kew Green, Putney Common, Parliament Street, Chancery Lane, Grosvenor Square, Palace Yard,* will serve for the present as examples. *See* Section 10.

Art. 18. As the population comes thus to have been ascertained, the numbers expressive of it will be set down in the Map with reference to the division into Parishes.

So likewise, with reference to the *Compartments* in the Map, as per Article 15.

In each Parish, section of a Parish, or extra-parochial place, as the case may be, Males so many; Females so many; Males, of such and such ages.

So in each Compartment.

Art. 19. When the United Kingdom has thus been laid down in the general Map, and the several Habitations with their Inhabitants noted down in it, then and not before will be the time for determining and marking out the Division into Districts and Sub-Districts; always with a view to equality of population, as between every one and every other.

Art. 20. In the marking out of Districts and Sub-Districts, the Commissioners are to be guided by the division into Parishes, sections of Parishes, and Extra-parochial places.

On this occasion they are not to divide a Parish, or Section,

or Extra-parochial place in such sort as to allot one part to one District or Sub-District, and another part to another;

Unless, for want of such division, the inconvenience should be in an adequate degree considerable,

I. In respect of length of journeys * to and from the Polling District;

Or, II. in respect of inequality of population, as between District and District. †

Section 10. VOTE-MAKING HABITATIONS, HOW DEFINED.

Art. 1. The operations, ordained by this Section, have for their purpose the determining with precision what individuals shall possess on each occasion the right of suffrage.

The mode employed, is that of reference made to the *Habitations* which they respectively inhabit.

For this purpose, it is necessary to appoint a set of marks by which every such Habitation may at all times be manifestly known to have that effect; and may at the same time be indisputably distinguished from every other.

The sort of mark employed for this purpose is the *name of some Approach to it,* with the addition of some *numerical figure* or figures, as per Section 9, Article 17.

It differs no otherwise from what is every where already in use, than by being fashioned to the degree of conciseness and uniformity which is necessary to adapt it to the present purpose.

Art. 2. The *name* of an *Approach* is to be composed of *two words,* and no more: the first constituting the *individualizing* part of the name; the other, the *specific* part: (to wit) the name of the species of Approach.

Thus, in *Downing Street, Downing* is the individualizing part; *Street,* the specific part.

Where the name in present use contains, as above, two words

* Note XVI. † Note XVII.

and no more, it will, without special reason for alteration, be preserved unaltered.

Where it consists of but one word, this word will be the individualizing part of its name, and a specific part will be to be added.

Thus *Whitehall* may become *White Hall Street.*

Where the name contains *more* than two words, all that are above two are to be omitted. Thus *Saint Anne's Street* becomes *Anne Street.*

Where, for their present name, two or more Streets have, each of them, some individual name, with an adjective or other distinctive name, different in each, added to it,—the distinctive names are to be both omitted: the two Approaches are to be thenceforward designated by one and the same name.

Or else let a new name be given to one or each of them.

Thus, in the case of *Upper Brook Street* and *Lower Brook Street,* either *Upper* and *Lower* may be both omitted, and the two Streets thus reduced to one;

Or, if they are kept *distinct,* the name of one may remain unchanged; and in this case a new name will be to be given to the other.

Thus, if *Upper Brook Street* is named *Brook Street, Lower Brook Street* may be named *River Street.*

The case of the two-worded name being the most common case, in general no change will need to be made. In no instance let any change be made, unless for special reason assigned.

But, for avoidance of confusion, let matters be so ordered that in no Parish shall any two Approaches stand designated in the Maps by the same name.

So, neither in any Polling District.

Art. 3. Of every Habitation, whether simple or compound, the name is to be composed of two parts, the *verbal* and the *numerical:*

The *verbal* part is to be the name of the Approach; the *numerical* part is to be the name of the number, in the common arabic character, as is at present customary on house-doors.

In the case of each approach, the numbers are to follow one another, as usual, in the order of the numeration table.

Art. 4. Where the Habitation is near or contiguous to more Approaches than one, the verbal part of the name is to be the name of some one and no more of the several Approaches: of one or of another, as may be most convenient.

Art. 5. Where the Habitation is a compound one, there, in the marginal index of the Map, as per Section 9, add to the name of the number the letter C.

And distinguish from each other the several Households in it by numbers, in the same manner as simple Habitations are to be distinguished, as per Article 3.

Art. 6. A simple Habitation may give any number of Inmates' votes; but it can give no more than one Householder vote.

A compound Habitation gives as many Householders' votes, as it contains Households having each its Householder of the male sex.

In addition to each Householder's vote, it may give any number of Inmates' votes.

Art. 7. A Household, which on one day has for its Householder a person of the female sex, may, on another day, have for its Householder a person of the male sex.

*This considered,** let no Habitation or Household be omitted in the Account, by reason that the Householder is a female.

But let Females' Households be distinguished by an appropriate mark; for instance the letter F.

Art. 8. In the marginal index of each Map, as per Section 9, the approaches are to be set down in the alphabetical order of the individualizing parts, and not under that of the specific parts of their names. Thus *Downing Street* will stand before *Exchange Alley;* although *Alley* would stand before *Street.*

For it is by the individualizing part of its name that the object is principally distinguished. The specific parts are in many in-

* Note XVIII.

stances indiscriminately applicable. In this case, for example, are the words *Road, Street, Lane.* Not so the words *Street, Square, Crescent.*

Art. 9. Under the direction of the Election-Master-General, *Door-plates,* resembling those in common use, but on a uniform plan, to be fixed, one on some one door of every Habitation in the United Kingdom, shall for this purpose be provided.

The use of them is—to make it known, at all times, to all persons concerned, what Habitations confer votes, and what do not: and thus save the need of applying on every occasion to a Register; and at the same time afford indications for securing the correctness of the *Books* in which *Votes* are *registered.* *

Art. 10. In the provision made respecting Door-plates for this purpose,—*cheapness, durability,* and *uniformity,* will be to be attended to.

Uniformity is of itself a help to cheapness:—since the greater the number made on the same pattern, the cheaper the article may be afforded.

Its durability will be the greater, the more effectually, in case of depredation, its marketable value would, in the act of depredation, be destroyed.

For this purpose it should be as thin as is consistent with natural durability: and, by a pin passing through the door, it may be effectually fastened in the inside.

Having regard to these objects, it will be for the Election-Master-General to determine—in what, if any, proportion these implements shall be furnished from his Office, and in what, if any, proportion, from any and what other places.

The Plates themselves being thus provided, the *Inscriptions* may, perhaps, be most advantageously made by *Stamping Machines,* one to be kept at each District Office, as per Section 5.

For, the several appropriate inscriptions can no otherwise be ascertained than from the Maps;

* Note XIX.

And of the territory comprehended in the District, there will of course be a general Map kept in the District Office.

Also a set of Maps of the several Parishes and Parish-like places contained in it.*

Art. 11. For the affixing of the Door-plates, persons are to be provided, *by authority*, in each District.

In each District they are regularly to be appointed by the Poll Clerk.

But in any Districts the Election-Master-General may direct that they shall be appointed by the respective District Clerks.

The Districts, in which the demand for the exercise of this power is most likely to occur, are those which are completely Town Districts:

The reason is—that in Town Districts, the extent of ground requisite to be traversed will be comparatively so inconsiderable: so that in one Town District a smaller number might perhaps suffice than would be necessary in each one of the whole number of Sub-Districts contained in a Country District.

A *Door-plate Fixer* is removable at any time by the authority by which he was appointed.

For the guidance of Door-plate Fixers in the performance of their duty, the Election Master will, from time to time, furnish *Instructions.*

Before the tenor of the instrument is definitively determined, he will cause it to be communicated to the several District Clerks and Sub-District Clerks, in such sort as to receive any such suggestions as they may respectively see reason to communicate.

To each Door-plate Fixer shall be delivered a printed copy of such instructions, signed by the Office-bearer by whom he has been appointed. †

Art. 12. In the interval between Election and Election, fresh rights of suffrage will have come into existence. This effect will have been produced in every one of four ways:

* Note XX. † Note XXI.

I. New Habitations will have been erected, and become inhabited by Householders;

II. Habitations, that for a time had been uninhabited, will have received Inhabitants and thence Householders;

III. Habitations, whether simple or compound, will have received additions to the number of their Householders.

IV. Households will have passed from female into male hands; and will thus, in each instance, have given birth to a fresh vote.

This considered, here follows the provision made for the giving publicity and effect to the several rights of suffrage, as they come into existence.

[ ] days at the least before the earliest day for the receiving of blank vote-making Certificates, to be filled up for the purpose of the then next Election, as per Sections 2 and 7, every person, who in any one of the above four ways, has come into possession of a right of suffrage, applies in person or by his Agent, at the Polling Office, for notoriety and effect to be given to such his right.

The demand made, and [1*s.*] paid, appropriate mention is thereupon made, in his presence, in the Registers of the Office, in the margin of the Map of the Polling District as kept in the Polling Office, and in the margin of that copy of the Map of the Parish in question which is kept in the Polling Office.

At the same time he receives a Certificate, in which the existence of these entries is declared, and an assurance given, that, on or before a day therein mentioned, an appropriate Door-plate will have been fixed, on the door of the Household of which he is Householder.

For the fixing of such Door-plate, within the time so described, the Poll Clerk is accordingly responsible.

Art. 13. By the converse of the several events brought to view in Article 12, rights of suffrage will have become *extinct.*

For the making of the requisite entries and the requisite changes in Door-plates, it belongs to the Election-Master-General to take order, and by printed *circulars* from time to time

to transmit *Directions,* correspondent in tenor or effect, to the several Polling Offices.

Art. 14. In several parts of Great Britain, for various purposes Parishes have, as above, been considered as divided into Sub-parishes, called Tythings or Townships.

In relation to every such Sub-parish, it rests with the Election-Master-General, in each instance, to determine, whether, to the purposes of this Act, as per Section 9, Article 20, it shall be considered as included in the Parish of which it forms a part, or on the footing of a separate Parish.

Art. 15. In divers parts of Great Britain, are to be found tracts of land, which have never been considered, at least to all purposes, as included within the limits of any Parish; these have accordingly been known by the name of *Extra-parochial places.*

As often as, in the course of their operations, the Commissioners come to any such Extra-parochial place, they shall proceed in relation thereto, in the same manner as in relation to a Parish.

Art. 16. As to the Map, they may, in this case, attach it to the Map of any contiguous Parish at their choice: regard being had to convenience in respect of bulk and other particulars: distinguishing it in this case by some particular colouring.

Or they may consign the representation of it to a separate Map.

Such separate Map they shall cause to be deposited in the Vestry of some contiguous Parish: in the choice of such Parish, they will have regard to the convenience of all parties interested.

Art. 17. In some instances, portions of territory subject to the same authorities are severed from each other.

Of this or that Parish, in this or that Hundred or other division of a County, one part is severed from another by one or more intervening Parishes.

Of this or that Parish, one part lies in one Hundred or other such Division; another, in another.

Of this or that Parish one part is in one County, another in another.

In a case of this sort, no part of a Parish shall, to the purposes of this Act, be considered as belonging to any part, from which it is in any of those ways severed: but each part shall either be considered as constituting a separate Parish, or shall be annexed to some other Parish, such as shall be pointed out, as above, by regard to general convenience.

So, in the case of Sub-parishes, as above.

Of any such divided Township or Parish, or County, or Division of a County, one part may accordingly be included in one District; another in another.

So likewise one part in one Polling District; another in another.

So even where, as in the ordinary case, the several territories are at present undivided.

Art. 18. So soon as Commissioners have been appointed, in a number sufficient to proceed on the business,—notice of such appointment, mentioning the days, shall, by the Election-Master-General, be caused to be inserted in the London Gazette.

From thence it may be inserted, tax free, in every periodical and other publication.

On the first day of every month, succeeding that in which such appointment shall have been completed, the several sets of Commissioners shall respectively transmit to the Election-Master-General an account of their respective proceedings.

Of these several accounts, notices, with brief abstracts, shall, as soon as may be, and not later than within a week after they have respectively been received, be inserted in the London Gazette.

From the London Gazette, they may forthwith be copied, tax free, into all other periodical publications.

Each account, at length, shall, with all convenient speed, by the Election-Master-General, be transmitted for impression to, and be accordingly printed by, the King's Printer.

It shall be printed in at least two forms at the same time.

One shall be the cheapest legible form that can be devised.

This, as soon as printed, shall be transmitted, for sale, to each Polling District, to be sold at the Office, or at any such other places as the Election-Master General may appoint.

It shall be sold to retail customers at a price not exceeding [ten] per cent. upon the retail price of the paper on which it is printed.*

Section 11. MEMBERS' CONTINUANCE.

Art. 1. Except as per Section 12, the term, during which a Representative of the people shall, without a fresh Election, continue in his seat, shall in no case be longer than *one year*.

Art. 2. Throughout the kingdom, the *day*, on which the new Representatives of the People are regularly to take their seats, is—[*the first day of January*].

On that day, the Speaker shall, with such Members of the out-going Assembly of the Representatives as choose to attend, appear and deliver up the possession of the place of meeting to the in-coming Assembly. The in-coming Assembly, till its Speaker has entered into office, is presided by the Chief Clerk.

Art. 3. If, by any accident, the in-coming Assembly are on that day prevented from forming a House competent to do business, the out-going Assembly continues in the exercise of its functions, until the day on which the in-coming Assembly is competent to the exercise of them.

Art. 4. Dissolution is not produced by the decease or disability of the Monarch.*

Art. 5. On the expiration of an Assembly, the business continues in the hands of the new Assembly, as if they were one and the same.†

Art. 6. In Committees, vacancies are accordingly filled up, as if produced by death or resignation.†

* Note XXII. † Note XXIII.

Section 12. VACANCIES SUPPLIED.

Art. 1. A Seat in the Commons' House may be rendered vacant by any one of nine causes:—

1. By non-acceptance.
2. By election to divers seats.
3. By death.
4. By mental derangement.
5. By succession to a peerage.
6. By resignation.
7. By acceptance of a lucrative function under the Crown.
8. By acceptance of a peerage.
9. By expulsion.

Art. 2. [*The first day of Jannary*], in every year, is the day appointed for the first meeting of a new Parliament.

On or before that day, every person who, having been elected Member for any District, chooses to serve, must, either in person or by letter (addressed to the Election-Master-General) signify his acceptance.

Failing of such signification, the next day, a new writ is issued for a Member to be elected in his place.

Art. 3. Suppose the same person returned for divers Districts. If he does not choose to serve for any one of them, a fresh writ for each one is issued, as above.

If, choosing to serve for this or that one, he has signified his choice accordingly, fresh writs are issued for all, except that one.

Art. 4. In case of the death of a Member, the Election-Master-General, as soon as he has received what in his judgment is sufficient evidence of the fact, issues his writ for a fresh Election accordingly.

In the books of his Office, he makes entry of the evidence: as, for instance, letter from such or such a person; noting the day on which it reached the Office.

Art. 5. So, if a Member becomes afflicted with mental derangement.

Art. 6. So, if a Member comes by succession to a peerage.

Art. 7. Every Member is at liberty to resign his seat at any time.

To do this, he signs the Form of Resignation hereto annexed, and delivers it, or causes it to be delivered, to the Speaker, at the sitting, or at the rising, of the House.

The Speaker, on receipt of it, attests it, and immediately transmits it to the National Election-office.

The Election-Master, on receipt of it, issues by the next post his writ for a fresh Election, as above.

Art. 8. Upon his acceptance of a lucrative function under the crown, as per list, a Member's seat becomes vacant, as if by death.

Art. 9. So, in case of his acceptance of a peerage.*

Art. 10. For the case of expulsion, *see* Section 13.

Art. 11. On a vacancy, if, by reason of distance, it is not possible for a new Member to take his seat before the Session is at an end, no Election writ shall issue.

Section 13. SECURITY FOR THE HOUSE AGAINST DISTURBANCE BY MEMBERS.†

Art. 1. In so far as such exclusion is necessary for securing its proceedings against disturbance, by annoyance in any shape,—the House has at all times power to exclude any of its Members.

But, on each occasion, the House shall and will declare, in particular, by what species of annoyance such disturbance‡ was effected, and by what individual instance of misbehaviour that species of annoyance was produced.

Art 2. For terminating, or preventing the repetition of, such

* Note XXIV. † Note XXV. ‡ Note XXVI.

annoyance, the House may either expel the delinquent Member altogether, or exclude him for a limited time.

Art. 3. If the duration of such exclusion shall, at any one time, exceed the term of [*twenty-eight*] days, such exclusion shall have the same effect as expulsion; and the Electors, of the District for which he sat, shall proceed to elect a Member to sit in his place.

Art. 4. They are however at liberty to re-elect the same Member: and so for any number of times.

Art. 5. In case of temporary exclusion, the House, as a condition precedent to re-admission, may exact of the delinquent Member a promise in writing, never thenceforward to cause disturbance to the proceedings of the House, either by annoyance in the particular shape in which he has been declared to have offended, or in any other shape.

Art. 6. So, in case of his re-election: whether by the District for which at the time of such annoyance he was serving, or by any other District.

Section 14. INDISPOSITION OF SPEAKERS OBVIATED.

Art. 1. To secure the national business against interruption by interruption of the sittings of the Commons' House,* an occasional Substitute for the Speaker shall at all times be forthcoming; *Vice Speaker* is his official title.

Art. 2. The Vice Speaker shall, at all times, be provided by the Speaker, by an instrument of appointment consigned to the custody of the Chief Clerk.

The appointment is revocable by the Speaker at pleasure, on and by the appointment of another person to that office.

Art. 3. For the acts of the Vice Speaker in respect of such his office, the Speaker is responsible, as if they were his own.

* Note XXVII.

Art. 4. To the office of Vice Speaker no emolument shall, in any shape, be attached.

Art. 5. The House has, at all times, power to substitute to any Vice Speaker another of its own choice.

Art. 6. In default of the Speaker and the Vice Speaker, the functions of the Speaker shall be exercised by the Chief Clerk: in his default, by the Clerk who is senior in standing: and so downwards according to the length of service.

NOTES.

Note I. Page 2.

King is the word employed here: employed in deference to custom. *Monarch* would be the proper word. In this country, there are three sorts of monarchs: a *King*, a *Queen Regnant*, and a *Prince Regent:* not to speak of William's Mary, who in name was a Queen Regnant with her husband, but in authority, as expressly declared, a Queen Consort and nothing more. Had the Princess Charlotte survived her father, her grandfather being still alive, she might have added to the list a fourth species of monarch—a *Princess Regent.—Protector*, being an unpopularised denomination—unpopularised, first by Richard, who became King Richard the Third, then by Cromwell—is already a fourth species of monarch: but a species not very likely to be revived.

Precision, such as this, is not to the taste of the man of law. *Monarch* would, in his eyes, be an innovation: the use of the word, a mark of theory and ignorance. He will not, so long as he can help it, part with the profitable wit, of saying, upon occasion, that a man and a woman are the same person: or of contending, according as the vane of professional or official interest points, upon some occasions, that a Queen is a King, upon others that she is not; and so in regard to Princes and Princesses Regent.

Note II. Page 3.

[half]. It is in pursuance of the custom generally observed in Parliamentary Bills, that the word thus designative of quantity is inclosed in brackets: so it will be in many other places. In Bills as prepared for the House, the space between the brackets is left in blank: the blanks are filled up at a particular stage; and then is the time for the settling of the quantities. In the present draught, the blanks will in several other places besides this be seen filled up. The design of this was—to aid conception: the brackets shew that the fixation was not considered as definitive.

Note III. Page 4.

For greater clearness, here follows an exemplification of a *Vote-making Certificate* (as per Sect. 3. Art. 4.) when filled up: names of persons, being, of course, feigned names.

Election District, *St. George's.*

Polling District, *Out Ward.*

This is a Vote-making Certificate, made to serve for the ensuing Parliament, which is to meet on the 1st day of January, in the year 1822.

The day on which it is made is the *22nd* of *October*, 1821.

The person, to whom it is to give a vote, is *George Simpson, Arabella Row, No.* 10.

The persons by whose declarations, as hereinafter expressed, this Certificate, and thereby the Vote, are given, are WE, whose names and descriptions are here, by our several hands respectively, immediately underwritten, in the alphabetical order of our surnames; to wit,

Jackson, Thomas, Arabella Row, No. 19, *Householder and Carpenter. Householder, within the above-mentioned Election District, for upwards of twenty-six weeks, ending this day.*

Lalcham, Samuel, James Street, No. 10, *Householder and Glazier. Householder, within the above-mentioned Election District, for upwards of twenty-six weeks, ending this day.*

Williams, Joseph, James Street, No. 20, *Householder and Carpenter. Householder, within the above-mentioned Election District, for upwards of twenty-six weeks, ending this day.*

That which we hereby certify is—that according to the several true declarations following, as contained in the *nine* numbered paragraphs following, he the said *George Simpson* is entitled to give a vote in the Polling District, above-mentioned, on the Election of a Member to serve for the Election District above-mentioned, in the above-mentioned ensuing Parliament.

I. At the House of *Samuel Laleham*, above-written, on the day above-written, on or about *eleven* of the clock in the *forenoon*, we whose names and descriptions are above written, did write them; to wit, each of us his own name and description, in the sight, and at the same time in the hearing, of the two others.

II. In our sight and hearing is now present the above-mentioned *George Simpson*. His name and description, his name being herein and now immediately written by his own hand, here follows, to wit,

George Simpson, Glazier, Arabella Row, No. 10. Inmate in the Household, whereof the above-mentioned *Samuel Laleham* is Householder.

III. He declares to us, that, in the above-mentioned Household, to wit, *Arabella Row, No.* 10, for upwards of *four* weeks together, ending with the commencement of this day, 22nd of October, 1821, he has been an *Inmate.* It is our belief that this declaration is true:

IV. He declares to us, that he is upwards of 21 years of age. It is our belief, that this his declaration is true.

V. In the sight and hearing of all of us together, he has read aloud the whole of the printed part of this certificate.

VI. Also, divers lines, pitched upon by us at random, in the act of Parliament, by which this Certificate is required.

VII. It is the sincere belief of every one of us, that the lines so pitched upon by us were really read by him, and that they had not, any of them, been committed by him to memory, for the purpose of their falsely appearing to be read. They were not, in any part, repeated by him from the mouth of any other person.

VIII. From the manner of his reading, as above, we do believe him capable of reading any portion of the 'New Testament,' as printed in the English language.

IX. He has, in like manner, in our presence, signed the declaration following. 'I do hereby, seriously, deliberately, and solemnly, declare, and promise to my fellow-countrymen, as follows:—

DECLARATION.

'1. *When, at the approaching Election, by means of this Certificate, I have given my vote, I never will declare, nor otherwise endeavour to make known, to any person whatsoever, directly or indirectly, either for or against, what proposed Member such my vote was given.*

'2. *Should any question be ever put to me, any one word said to me, or any sign*

made to me, having for its object the causing me so to make known my vote; every such question, word, or sign, I shall consider, as the law considers it, as an attempt at oppression.

'I do hereby declare, that under the sense of such oppression, no more reliance ought to be placed on any thing I say, than if the same were addressed by me to a robber, or to a person insane, for the purpose of saving, from immediate destruction, my own life, or that of some person dear to me. Witness my hand.

GEORGE SIMPSON.

Here ends the exemplification of a Filled-up Vote-making Certificate.

Of the direction for giving the alphabetical order to the names of the Certifiers, the use is to prevent dispute, whether from mutual civility, or from claim of right.

NOTE (*) IV. PAGE 7.

To prevent the votes of the resident voters from being, in particular Districts, outnumbered by soldiers or sailors, stationed, with or without such design, in large bodies.

NOTE (†) V. PAGE 7.

This degree of particularity promises, it is believed, to be of considerable use, by fixing the attention of the persons in question to these several points of appropriate aptitude, and thereby taking the chance of preventing men, by fear of shame, from giving their recommendation to a person eminently and notoriously deficient in any one of these points, or manifestly inferior to a rival Candidate in all of them taken together. Lower than this mark in the scale of particularity it might not be easy to descend, without giving advantage to this or that particular party, and thus giving to this instrument the effect of a Test Act. Tyranny and Corruption, under the mask of Religion, might, for example, introduce orthodoxy, and thus keep the most conscientious characters out of the House, and force the poison of insincerity into the mouths and hearts of others.

The oaths and other engagements with which the Statute Book swarms, are, with few, if any, exceptions, a great deal worse than useless. Either they have this exclusionary effect, or by their emptiness and looseness they afford, to those who have taken them, the pretence of acting under a sense of obligation, while no such sense is in their hearts. Hear a Judge talk of his oath! what is that oath? a piece of old woman's tattle, that is never seen by any body, means nothing, and has nothing in it that can have any tendency to bind any body. O yes: one thing it has: and that is—a promise never to take a money fee of any body. But this he breaks, in the face of day, and most days of his life. And thus it is that, in the teeth of Magna Charta, he *denies* justice to all but the rich, and makes *them* pay him for it.

NOTE VI. PAGE 9.

For the reason why all other disqualifications would here be useless, see those which apply to the case of Electors in S. 2.

As to females, the disqualification stands upon grounds, quite different in the two cases.

In the situation of Member, mischievous, no less than obvious, would be the absurdity of an intermixture betwixt sex and sex.

Not so in the situation of Elector: inconvenience there might be upon the whole, absurdity there would be none.

Nor even would there be any novelty in it. In the India House, among the self-elected Representatives of sixty millions of Hindoos, are females in any number: ballot is the mode of voting: ballot, with the *form* of secresy, and as little as any one pleases of the effect.

Every where have females possessed the whole power of a despot; every where but in France without objection. Talk of giving them, as here, the smallest fraction of a fraction of such a power, scorn without reason is all the answer you receive. From custom comes prejudice. No gnat too minute to be strained out by it, no camel too great to be swallowed.

As to *corruption*, this being the disorder which the here proposed arrangements are employed to combat, this part of the remedy, it must be confessed, is not altogether co-extensive with the disease. Of this imperfection the existence will soon be seen, and, at the same time, why it is impossible that perfection should take its place.

The *objects of general desire*—money, power, factitious dignity, and so forth, compose the matter, by which, in the hands of Monarch or Minister, corruption, applied to the breast of a representative of the people, or that of an Elector, does its work.

The *desires and passions*, in and by which it operates, are *hope* and *fear*: hope of obtaining the desirable object, or fear of losing it.

So far as depends upon the influence of hope, so long as the Minister or the Monarch has any thing to give, it is impossible for any disqualifying enactment to guard the probity of the Representative. At the next Election, or even immediately upon acceptance, he loses (snppose) his seat. Good: but, before this, he has secured something which is of more value in his eyes.

If, instead of obtaining it for himself, he obtains it for some person for whom he would otherwise have had to make provision at his own expense, he may indeed, if so his constituents please, lose his seat at the next Election. But, in this case, he cannot be made to lose it sooner: for, a provision, causing one person to suffer in this way, for the transgression of another over whom he had no control, would be too manifestly repugnant to justice to be endurable.

It may thus be seen, that, against corruption, in so far as it operates only by hope, good Government has no means of contending, but the reducing to the lowest amount possible the sources of that hope: annulling for example all *future* grants of peerages, baronetcies, ribbons, and sinecures: especially all sacred sinecures, in comparison of which the profane are but as a drop in the bucket: anti-christian sinecures, the very acceptance of which has more of blasphemy in it than many an act which has been styled such, against that religion, on pretence of supporting which they are accepted.

Against the influence of fear in this case—fear of *losing* the good thing which is in hand—the sort of disqualifying enactment in question has more power. The loss is certain: and when, in the two cases, not only the object is the same, but the certainty—in the one case of losing it, in the other case of gaining it—is the same, fear is beyond comparison more powerful than hope:—assurance of eventually losing a thousand a year, which a man has in hand, will be seen by every one to be a much more powerful stimulant than any hope of gaining as much can be. It may be so in an infinite degree; since there is no chance so small as not to be capable of giving rise and support to hope; and a chance of acquiring the greatest quantity of wealth that was ever possessed by man, may be so small as to be worth next to nothing.

As to the wording—*Office*, *Commission*, *Contract*, and *Pension*, are the words employed on this occasion, as being familiar to every ear. The more proper expression would be some general one, under which the particular articles are comprised. For example—*source of emolument;* meaning source of emolument held at the pleasure of the Crown: and, where the import of it has been fixt, once for all, by an *Exposition*, inserted in the Appendix to the Statute, and in the text, marked as such by a particular type—a type employed for all words and phrases thus expounded—it should thenceforward be employed without mention of any of the details included in it. (See p. 80.) But, for expound-

ing it, the only effectual course would be to give a compleat list of all the several sources of emolument to which the disqualification was meant to apply.

As to the *grounds* for disqualification, they are in this case, three:

1. Guarding the probity of the public trustee, as far as possible, against all temptation to betray his trust:

2. Preventing a man from sitting in judgment in one character, upon acts of his own done in another character; and thus, in case of delinquency, being judge in his own cause:

3. Preventing him from bestowing, on any public function of less importance, any part of that time, the whole of which would not be too great for this highest of all trusts, if executed with that degree of assiduity, which by the extent and importance of it, it demands.

Were the first of those grounds the only one, some offices there are—the office of *Justice of the Peace* for example—which need not be considered as constituting a disqualification. Not so, when the *third* of these grounds comes to be considered. Under any system, under which the situation of Representative of the people were considered as a source of obligation, if the Magistrate and the Representative were the same person, the Magistrate could not act without robbing the Representative.

Under the existing mode of sham representation, of no European Despot is the power so perfectly disencumbered of all sense of public obligation, as is that of the occupant of a seat, belonging to a rotten borough, or to a county held under the yoke of Election terrorism: and this is one short reason for a Reform, and that a radical one. So far as depends upon law, despotism is at the bottom, limited government only on the surface. In Spain the despot is one: in England, he is Legion: and Legion is composed not only of Tories but of Whigs. For an as yet uncontested demonstration of this utter absence of all sense of obligation, *see* Parliamentary Reform Catechism, Introduction, § 14. on *Non-Attendance.*

Opportune occurrence. "VOTES" of Honourable House, 26 November, 1819. "*Jovis, 25° die Novembris,* 1819. The House met, and Forty Members not being present at four o'clock, Mr. Speaker adjourned the House." N. B. The day before, met for crushing the small remaining fragments of English liberties, 381; professing to oppose it, a few sincerely, 150: together, out of the whole 658 members, 531 attended. Such are the men, who, as Representatives, call, not only for *obedience,* but *confidence.* Obedience, it is not in my power to withhold: confidence, it is no more in my power to give to them, than to the beloved Ferdinand.

As to Judicial corruption, all great Placemen being thus not only each man a Judge in his own cause, but knit, by community of sinister interest, in a league with the majority of the others—impunity—universal impunity—has been the constant and notorious result.

Among the members of this league are the highest Judges: no illusion, therefore, was ever more complete, than that which trumpets forth the purity of English Judges. No set of men is there, whose *interest,* as far as depends upon law, has been rendered more hostile to their *duty.* Impunity, coupled with superior profit, are the principal features by which they are distinguished from the most corrupt that can be found any where else. The only obstacle that prevents an English Judge from being less corrupt than a Spanish, a Russian, or a Turkish Judge, is the liberty of the press: and as far as Judge-made law, called *Common Law,* is any thing, there is no liberty of the press but what is contrary to law; and without violation of law, may be crushed at any time.

Note, that no disqualification of this sort could have its effect, but in proportion as the *fact of acceptance* were notorious. The arrangements necessary to secure such notoriety would enter too much into detail to be inserted here. The principal is—that as soon as an appointment is accepted, the instrument of appointment, or a sufficient extract from it, shall be communicated to the House through the Speaker, and to the public through the Government Newspaper. This, too, of necessity in all cases, as now by custom it is in some; and that, on

failure of such communication, the appointment shall be void; *void*, that is to say, in such sort as to render the delinquent himself a sufferer by his usurpation; but not so as to extend the suffering to any persons who are unconscious of it.

Supposing a list of disqualifying sources of emolument, made out by authority as above,—a Member on taking his seat should, with this list in his hand, have to declare to this effect—*I am not in possession of any article in this list*: to which might, perhaps, be to be added—*nor in expectation.*

Note (*) VII. Page 10.

By this clause, the expense of 650 Officers may be saved. In a Town District, there would, probably, be no need of Polling Offices, other than the District Election Office.

Note (†) VIII. Page 10.

Analogous denominations are *Post-Master-General*, and *Pay-Master-General.*

Note IX. Page 12.

On the first opening, of this or any other extensive system of Reform, opposition from persons of all classes in all quarters ought to be expected, and, as effectually as possible, provided for. In some of the offices, disaffection to the reform, and consequent betraying of trust: out of office, from high and low, opposition and artifice in every imaginable shape. The late proceedings at Manchester were not necessary to prove the truth of this observation; but they may help to render the public mind sensible of it.

[fraud.] Every man invested with power in any shape, from the lowest to the highest, will occasionally be disposed to abuse it: to abuse it in every way that can be imagined. By this maxim should every line be guided in this, and every other Constitutional Code. Whoever contests the truth of it, be sure that it is for the purpose of committing or supporting some abuse. By this maxim the scribe of every monarch *is actually* guided in the penning of a Penal Code. In speaking of the power that will be abused—in a Penal Code, say, *natural* power,—in a Constitutional Code, say, *political* power;—there lies the only difference.

Whenever interest, or prejudice, or passion, prompt, they, on whom the execution of the law depends, will, constantly or occasionally, to the utmost of their power, render it ineffectual, or exceed, or misapply the powers of it.

Complain of the delinquents, the law is bepraised, you are referred for redress to the delinquents themselves, or those who are in league with them: and you are punished, or it is inferred at least that you ought to be punished, for calumny against the Ministers of Justice. N. B. Under the Constitution as it stands, all Ministers of Justice of the highest order, are in league with the official delinquents of the higher orders. Situation forms the league of itself; it does so without need of any the least concert between individual and individual.

Think of Grand Juries, whose actings being secret, can not by possibility be otherwise than right.

Think of a Coroner, who, lest a jury should give a verdict of Murder, will not suffer it to continue its sittings, till a House of Commons, interested in giving impunity, have had time to give it.

Think of Lord Sidmouth, who, to prevent abuse in a prison, renders the interior of it invisible, to all those who have not express leave, either from himself, or from some person in intimate connection with him, for seeing it. Enquire whether this is not actually the case with the Milbank Penitentiary-house.

Think of the slow tortures; with death, for better concealment, at the end of them, that might, in any prison, be inflicted by such means.

Note X. Page 13.

Question 1. Power adequate to the carrying of the plan into effect, why thus lodge the whole of it in a single hand, the Election-Master-General's?

REASONS.

1. Security against failure. *Rule:*—Be the plan what it may, leave not in any one adverse hand the faculty of defeating it.

Be the plan what it may, every person whose concurrence is ultimately necessary to the carrying it into effect has a virtual negative upon it. To insure such concurrence, nothing short of a power of removal, in the hands of a person well affected to the business, can be sufficient. Punishment, in any the greatest quantity, that on any such occasion, can be employed,—punishment in the form of law,—never can, in any such case, be to be depended upon. By plausible pretence, by substraction of evidence, or by a variety of other means, it may be evaded, or (what comes to the same thing) expected to be evaded: at the worst, indemnification against it may be received, or expected.

No person who, by whatsoever cause,—sinister interest, interest-begotten prejudice, authority-begotten prejudice, or original intellectual weakness,—is likely to be rendered adverse, or determinately indifferent, to the production of the effect, should, therefore, be left in possession of any such negative.

If, as here, the production of the effect is placed within the power of one person—that person well affected to the business, the danger of failure is thus reduced to its minimum. To this one add any number of others, whose concurrence is thus made or left necessary, by every one so added the danger of failure is increased.

If so it be, that, for this all-commanding situation, not so much as a single individual, competent, and at the same time well affected, to the business, is to be found,—accomplishment is, on this supposition hopeless: on the other hand, suppose one such individual, though there be no more than one, whom the system has either found or rendered well affected to it,—the requisite power, as above, being also given to him,—accomplishment may thus be rendered morally sure.

At the recommendation of the Election-Master-General are moreover appointed the Commissioners of Survey and Demarcation, as per Section 9, and by him they are removable. And thus all the functions necessary are put under the guidance of one will.

In the Duke of Richmond's Radical Reform Bill, the division of the Election Districts—this first step in the whole course—was allotted to the twelve Judges. As well might it have been allotted to the twelve Cæsars. Their time was, even in those days, fully occupied. For this strange mathematico-political function to have been executed by them, well or ill, within any limited time, the concurrence of every one of them would have been necessary: for, by any one, on one pretence or other, or even without pretence, every requisite operation might, during an indefinite length of time, have been delayed. On the part of no one of them, could any such concurrence have reasonably been expected.

After that which would never have been done, had been done, the business was to go, all over the country, to Grand Juries: and, for the occasion every man who *had ever been* was to be one. No obligation was there upon any one individual to do any one thing in it: if a man who could and would do something were found, no responsibility was there upon him for any thing he did.

The Election-Master-General is *an individual.* In the hands of an individual, not in those of any *board,* should any such all-sufficient and indispensably ne-

cessary power be lodged. Every board is a *screen;* and if, to the remembrance of a proposition of such practical and unquestionable importance, the play upon words is subservient, let it not be despised. Under the system of corruption the uses of a board are manifold:—1. To afford a screen to abuse in every shape. What is every body's business is no body's business: what is every body's fault is nobody's fault: by each one the fault is shifted off upon the rest. So many members, so many confederates, all of whom—they and their connexions—join in affording support and protection to whatever misdeeds in any shape are committed by any one of them.—2. To afford a pretext for multiplication of offices; to each of which is attached its mass of emolument: so many needless offices, so many sources of waste, so many instruments of corruption.—3. If, upon occasion, any such desire should have place, as that of seeing the business miscarry, to secure the production of the so-desired effect.

Of course, never could any such expectation be entertained, as that of seeing any such plan as this carried successfully into effect, on any other supposition than that of the existence of a prime Minister well affected to the business. Here then is *one* well-adapted mind necessary: that of an Election-Master-General of his choice, another: and now for effectual accomplishment, these two concurrent minds would, in these two situations, be sufficient. Even with little aid from the great body of the people,—as for the most abject slavery, so for the perfection of liberty,—the quantity of the matter of corruption in the hands of a British Prime Minister would suffice.*

In the present practice, the sort of business, for the management of which the Election Master's Office is instituted by this Bill, is divided between two Offices: that called the *Office of the Messenger of the Great Seal*, for sending out the orders called *Writs*, in pursuance of which the Elections are to be made: that called the *Office of the Clerk of the Crown*, for receiving the several answers called *Returns*, in which it is stated what has been done in pursuance of these

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* *British* Prime Minister? Upon this occasion, what then shall we say of *Ireland?* Answer—Nothing: upon this occasion, as upon thousands and millions of other occasions, the learned person, whoever he was, that drew the Irish Union Act, followed by so many pre-eminently learned persons who gave their sanction to it, has not left it possible. King of Great Britain and Ireland—yes: this we are commanded to say—*British and Irish King?*—no: this we cannot say: constructed as the language is, the form given to the name of the United Kingdom will not allow of it. English King—there is: British King, and in him a Scottish King—there is: Irish King—there is none. English and Scottish *interest* taken together—you can speak of: for you can say *British interests*—Irish interest, in conjunction with English and Scottish, you cannot so much as speak of. On no occasion, in the grammatical form of an adjective, can the United Kingdom be spoken of, but Ireland must be left out: left by the writer or speaker unmentioned: left by the reader or hearer unthought of. Such was the skill, or such the good-will, of Pitt the 2nd and his Scribes.

But Ireland, where have been *her* eyes all the while? How long will she be content to remain thus an outcast? Since the Union, scarce has a day passed that I have not been plagued with the continually recurring necessity of thus dealing by her as if she were unheeded.

One word would supply the remedy: for the United Kingdom, a name, by which, as England and Scotland are by *Britain*, all these Nations would be brought to view. A word that would do this I have had in mind and on paper these thirteen or fourteen years. But by those to whom *good taste*, that is their own whim, is every thing, the welfare of mankind nothing, so sure as it were fit for the purpose, so sure would it be scorned:—and of such is the Corporation of the ruling few composed.

That, in this instance, *language* should have no influence on *conduct* is not possible. For in what instance is not conduct a slave to language?

writs. In neither instance does the name of the Office give any the slightest intimation of the nature of the business. The man who sends out these letters knows nothing about the answers: the man who receives the answers knows nothing about the letters: neither the one man nor the other know any thing about what has been done in pursuance of the letters. Complication abundant; darkness visible; depredation the necessary and notorious fruit of it: depredation sanctioned and unsanctioned, regular and irregular, limited and unlimited: Candidates contending for undue preference: Officers bribed and giving it. Under the notion or pretence of excluding the corruption, legislators botching, time after time, in the usual style: 53 Geo. III. chap. 89, the date of the last botch: such is the mode, in which that correspondence is carried on by which Honourable House is filled. Object in filling it, mode in which it is filled, correspondence by which it is filled—is it not all of a piece?

Note XI. Page 20.

The more effectual, the provision here made for the *equality* endeavoured at is, the less will be the advantage obtainable by any *additional* degree of *publicity*, capable of being given by undue favour or weight of purse. For repressing, by prohibitory provisions, with penalties, any such undue extra circulation, any endeavour that could be used, would be attended by a degree of complication, the inconvenience of which could not, it is believed, be paid for by the advantage.

Note XII. Page 25.

In this, as in other cases, powers for extraction of Evidence, would be necessary to the persons charged with the enquiry. But, as the details would occupy much room, and would contain little that is peculiar to the present case, they are not here inserted. One thing, almost peculiar to the present case, is—that the object of the inquiry is to administer *benefits*, namely, rights of suffrage to those who are the subjects of it, and not *burthens*, as in the case of taxes. Hence, instead of being shrunk from, the inquiry would generally, if not universally speaking, be met with alacrity.

Note XIII. Page 28.

Question. Why, for establishing the existence of the several facts employed in the composition of the title to a vote, omit to employ the ceremony of an *oath?* Follow the answers.

1. The effect of it would be to put an exclusion upon an eminently respectable class of persons, who, but for the bar set up against them by this instrument, would be entitled and admitted to vote.

2. By the ceremony, a considerable quantity of time and expense would be uselessly consumed.

3. In but too many instances, it is proved by experience to be void of efficacy, and thereby useless ( ).

4. By giving increase to the number of instances, in which it is notoriously an object of violation and contempt,* the application of the ceremony, on the

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* Amongst others, *English University Oaths*, by which, at entrance, the members, all of them swear to the observance of a set of ordinances, which no one of all these swearers fails to disobey: (see this shewn in "Swear not at all:") these University men, all of them: and amongst them, with few exceptions, all who come afterwards to be Church of England Clergymen; and, with no exceptions, all who come afterwards to be Bishops and Archbishops:

occasion here in question, would have the effect of diminishing whatsover influence it might otherwise still possess, and thereby whatsoever useful security it might otherwise be capable of affording.

Note XIV Page 35.

[*Enlarged Country Scale.*] For some years past, a survey of Great Britain, on a scale that promises to be fully competent to this purpose, has been going on with, under the orders of the Ordnance Board. Of the *engravings*, the scale is *an inch* to a mile: not more: on this scale thirty sheets are already published. In these sheets are included the following six Counties entire: namely, 1. Essex. 2. Cornwall. 3. Devon. 4. Somerset. 5. Dorset. 6. Hants. 7. Pembroke. 8. Rutland. Also parts of the four following ones: namely, 1. Kent. 2. Surrey. 3. Berks. 4. Wilts. 5. Shropshire. 6. Staffordshire. One of these Maps is before me. In parts that I am acquainted with, I see expressed the sites, not only of Streets in Towns, but of single houses, where the magnitude of them is considerable. Even this might, perhaps, serve for the scale spoken of in the text, by the name of the *Country Scale*. But the scale, on which the original *drawings* were made, is a scale of *six inches* to a mile. This scale might at any rate serve for what was in view in the text, in speaking of *the enlarged Country Scale*. Whether this would suffice for the *Town Scale*, I cannot take upon me to say. But, that which at any rate could not fail to suffice for this largest scale, is that on which *Horwood's Map of London* is constructed. The scale of this Map, if the information furnished from the Geographer Royal's shop is correct, is twenty-six inches to a mile: a sheet of it lies before me.

Note XV. Page 37.

A precise definition of *a Householder*, as contradistinguished from *an Inmate*, would be requisite on this occasion as well as on the occasion of the Vote-making Certificate, as per Section 21.

This definition would be as necessary on the plan of those who approve of Householder Suffrage and no more, as on the plan of those who call for virtually Universal Suffrage. A Householder is one who pays Taxes. Good: but what Taxes? Taxes payable to the National Fund, such as those of late years called Assessed Taxes? or Taxes paid to local funds, such as Poor rates, &c.? and what local funds in particular?

Under the existing system, in some Boroughs, every *pot-wobbler*, as the phrase is, is an Elector: every habitation in which a pot is boiled, gives a vote; and, in so far as this is admitted, the distinction between Householdership and Inmateship is obliterated. For, married or single, where is the person who for such a purpose, may not have it in his power to boil a pot? if not of his own, a borrowed one.

But, with that exception, under the existing system, there is not (it is believed) in any House more than one Householder: namely, the one person by whom all House-taxes are paid. Lodgers, though there be ever so many different families of them, pay House-taxes: heads and all other members of families are indiscriminately styled Inmates.

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not forgetting those who, under the name of *blasphemy*, are so eager to draw down punishment, on the heads of all who, against that which for lucre they have made profession to believe, have written any thing which, in their opinion, cannot be sufficiently answered otherwise than by fine and imprisonment.

So likewise Custom-House Oaths, and a vast variety of other oaths prescribed by statutes.

Also Petty-Jurymen's Oaths;—oaths which are constantly violated by the minority, as often as any ultimate difference of opinion has place.

In this way the matter stands on a very simple footing: payment of the Taxes is secured; and thus the only object looked to is accomplished. But the same building which, at one time, is used only as an Out-house to a Dwelling House, is at another time inhabited, and used as a separate Dwelling House: and, whether it be for burthen or for benefit—for payment of taxes, or for giving a vote—it seems not easy to say, why a man's lot should be varied by circumstances so indeterminate and irrelevant.

So far as concerns taxes, it seems right enough: for a lodger pays to his Householder so much the more, on account of the Householder's bearing his (the Lodger's) share of the Taxes.

But, so far as concerns the right of suffrage, it seems difficult to say on what principle it should be confined to the person by whose hands the taxes are paid. The principle of property is hardly applicable: for nothing is more common than for the Lodger to be in better circumstances than the person by whom the Lodging is let.

Note (*) XVI. Page 39.

In and by the course above submitted, any person might take upon himself to answer for the carrying the design into effect; and to describe such a course seemed to be the problem, the solution of which was called for by the nature of the case. Not but that, in a rough manner, it might perhaps be found not altogether impracticable to arrange the business, without this process of Survey, Demarcation, and Registering of Habitations: and, if it were practicable, the saving in expense would be of no inconsiderable importance;—the saving in time, of incomparably greater importance. But, in that case likewise, the essential thing would be—that the direction of the process should be, the whole of it, in *one* hand: if committed to a number of hands, those, for instance, of so many local authorities, there would never be an end to it.

Numerous would be the adversaries: some open, some perhaps disguised under the masks of friends: against the artifices of these last in particular, it would have to secure itself. It is sufficiently known what sort of a reform every Whig reform is, that has ever been proposed in the character of a *gradual* reform: *a gradual progress in doing nothing*. But, were it not for a warning such as this, Whigs, if pressed, might, if they thought they saw their account in it, give in to the proposition even of radical reform: and this, even in all its elements, without exception, they might accordingly support, up to a certain point of time, with very little danger of success. Among the local authorities, some would be in the confidence of the Whigs; others in that of the Tories: Whigs or Tories, on any such occasion, one thing they could find no difficulty in agreeing in; namely, to disagree without end.

One circumstance however there is, which is in favour of the business. The inquiry has for its object the knowing throughout who it is that has a right to vote. Among those who have the right, few, if any, will be desirous of losing it: and if they are, and lose it accordingly, there will be no harm done: nobody will have any injury to complain of. And, as to an Election-Master, it seems difficult to conceive, how, in the adjustment of a set of rights collectively indeed so important, but individually so small, he should be exposed to the action of any sinister interest, strong enough to turn his course aside from the path of rectitude.

Operator—say, accordingly, upon *every* imaginable plan, operator in chief, *one* only, *the Election-Master-General*. Of his operation in Great Britain, the basis would be the Population Returns. In these he would see the Parishes contained in each division immediately subordinate to that into Counties. Within these limits, for determining relative positions, he would upon the rough plan now in question, have no other constant and sure resource than what could be afforded by already existing maps: the rest would be to be done by separate

inquiries. The Population Returns of 1812 point out the *persons* to be resorted to, and the *mode*.

In Ireland, unfortunately, the mass of those resources could not, it is apprehended, but be much more imperfect.

On any plan, District Offices, with their respective Office-bearers, could not be dispensed with. But, in any case, the *expense* need not be so great as at first sight it might be imagined. For the Office, any Town that, in other respects, would be suitable, would furnish a Town Hall, a Market House, or some such public building. In the City of London, the Churches are applied to this purpose and without scruple. In case of need, even any Dwelling House might serve. Where necessary, portable Hustings might be erected for the day at a very moderate expense. As to the Office-bearer, neither in the case of the District Clerk, nor in the case of the Sub-District Clerk, would much *time* be occupied. As to the District Clerk, he would have scarce any thing to do on any number of days in a year beyond one. In both instances the Official person would naturally be some Country Attorney. For the Salary of the Polling District Clerk—the only one of the two upon whom there would be a demand for any considerable part of his time—a hundred a year, or even less, might suffice. The Office would bring him into universal notice: with ordinary good behaviour it would secure to him an ample stock of business.

In the case here supposed, the rights of suffrage not being determined by reference to habitations previously ascertained, distinguished, and denominated,—the difficulty to be overcome, is that which might be liable to be produced by influxes of *itinerant* voters, brought together by accident without design, or by mischievous design. Householder suffrage might seem to obviate this. But, so as to exclude contestation and indefinite delay, how is it that for such a purpose the Households could be ascertained and distinguished? Without contestation or difficulty, in by far the greater part of the United Kingdom, perhaps, yes: still, in many parts, there might remain enough to produce a quantity of contestation, the result of which it seems not very easy to foresee. Witness the Irish Cottages.

Note (†) XVII. Page 39.

(Length of Journeys.) The journeys in question are—those between the *abodes* of the several voters on the one part, and the respective *Polling Offices* on the other.

That these journeys, with the expense and loss of time attending them, should be as short as general convenience in other respects will admit, is indisputably desirable. The smaller the Polling District, and the nearer the Office is to the central point of the District, the shorter, upon an average, will these journeys be. If, in regard to these points, namely, smallness and centrality of situation, these Polling Districts are brought into a conformity with general convenience,—what the Election Districts are—the Election Districts in which the Polling Districts are respectively included—will, in these respects, be matter of indifference. The extent of the Election District is determined by the quantity of population; and this, as nearly as convenience in other respects will admit, is to be the same in all. But, as in respect of density of population, the difference between District and District will be so great—having for its limits the density of the population in the purely Town Districts, and the thinness of the population in the thinnest peopled Country District—hence the difference in respect of extent will be proportionably great.

But, in the instance of each District, proportioned to its *extent* will be the *number* of the Polling Offices, which, for reducing the length of journeys, will require to be established in it. For *this* purpose, in the purely Town District, no Polling Office distinct from the Election District Office will be requisite:—nor does it appear why it should for any *other* purpose. For, even upon the

universal suffrage plan, the greatest possible number of voters (it will be seen) would not be more than 5 or 6000; the customary number perhaps not more than three fourths or a half of that number: and, by adding to the number of *secret-selection Boxes*, as per Section 8., an unlimited addition might be made to the number of voters giving their votes at the same time.

Thus much as to the main consideration, by which the number of the Polling Districts in each Election District will require to be determined. As to the number, and in particular as to the number which might require to be established in the most thinly peopled Election District, it is not possible to speak with any thing like decision, without a calculation, the labour of which would not here be paid for by the benefit. The only consideration, by which any *limits* can be set to the number, is that of the *expense;* and that unquestionably is no trifling one.

Here then comes in a question, by what fund the expense shall be borne? *Answer*—By the *National* fund; not by any local one. Neither the benefit, nor the facility of supporting the burthen, is any greater in the most thinly peopled than in the most densely peopled District: therefore neither should be the burthen itself, as expressed in pounds, shillings, and pence.

But though the *exact extent* of an Election District is thus far immaterial, it may be in some degree matter of satisfaction to the reader, to have in mind some general conception in relation to it. So likewise in relation to the *quantity* of the *population;* a quantity which, as above observed, will not only want much of being determinate, but will moreover be as near the average in the least extensive as in the most extensive Districts. To this purpose, *Mr. Rickman's* masterly and most instructive *Preliminary Explanations* prefixed to the *Parliamentary Population Returns*, printed in 1812, for the use of the Members, afford us much and very satisfactory information.

1. First, then, as to GREAT BRITAIN.

1. Inhabitants in Great Britain (anno 1811) per do. 12,353,000
2. Square miles in do., as per do. 87,502
3. Divide inhabitants 12,353,000, by *Seats* 558, No. of inhabitants to a seat is, ... 22,137*
4. Divide *square miles* 87,502 by *Seats*, thence by *Districts*, 558, No. of square miles to a *District* is, ... 156
5. In a District, greatest *direct* distance of any Habitation from the District Office, upon the supposition of its being in the centre of the circle in which the square is inscribed, is a fraction more than ..... 8 miles 6 f.
6. Greatest *travelling* distance, on the supposition that to the above distance is to be added one-fourth more for the twinings and windings of roads, a fraction less than ..... 11 m.
7. Greatest *travelling* distance, on the supposition that, by reason of want of exact centrality in a town sufficiently adapted to the purpose, there are in some Districts Habitations at a distance half as great again as the above from the District Office, a fraction more or less than ..... 16 m. 4 f.

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* In the Congress House of Representatives, the proportion was, in 1810, one Representative to every 35,000 inhabitants: that is, if the whole territory were divided into Election Districts, 35,000 inhabitants to an Election District. —*Seyfert*, p. 13.

In the constitution of these United States, of which the Congress is the general legislative body, (date of the constitution, 17 September, 1787,) in speaking of the Congress House of Representatives, it is said:—"The number of Representatives (meaning from all the States taken together) shall not exceed one for every 30,000." Art 2. Section 2.

But it is in Districts that are purely *Town* Districts, that a large proportion of the total population of Great Britain is contained. Of any such attempt, as that of ascertaining the exact proportion, by travelling for this purpose over the whole field of the Parliamentary Returns, the use would not here pay for the labour. For aid to conception, let us assume a result, differing perhaps not very widely from the correct result, and suppose *the half* of the population to be contained in those Districts that are upon the purely Town scale. But in Districts so circumstanced, all taken together, the whole quantity of land is, in comparison of the whole quantity contained in the Country Districts so small, that for simplicity of calculation, it may, perhaps, on this occasion, without any error very material to this purpose, be considered as nothing, and left out of the account. This being done, the consequence would be, that, to find the average number of square miles in a District, instead of dividing the whole number of square miles by the whole number, we should have to divide by no more than half the number of the Districts. On that supposition the lengths of utmost distance, as above mentioned, would be to be doubled. But, from the number of square miles in the most thinly peopled District, to the number in the most densely peopled District, the number would be descending in a regular series. This considered, instead of as large again, we may perhaps state the utmost length of journey, in that District which is the most thinly peopled and thence the most extensive, as being half as large again as the number above stated.

On this supposition, we shall have for this utmost length,..... 24m. 6f.

Thus then comes in a topic, which, important as it is, could not have been touched upon in the text: namely, that of the injustice done, done by the Irish Union act, to Ireland, in respect of the proportionable number of the seats allotted to it. To Ireland, as to Great Britain, injustice in that or in any other shape *could* be done, and but too easily, under the system of disguised despotism:—*could* be done, and accordingly *was* done. But, with any prospect of success, neither in that, nor in any other shape, could injustice, especially so flagrant and so palpable, be so much as proposed, in any proposed system of equal liberty.

Note that, at the Union with Scotland, the injustice was still more flagrant.

Now as to IRELAND.

1. Inhabitants in Ireland, as per Playfair's "Statistical Tables," anno 1800, and Pinkerton's "Geography," vol. i. p. 213, anno 1807, by conjecture, in round numbers,..... 4,000,000

2. From other accounts, that number being supposed to be rather under than over the mark, especially for the year of the British population Returns, 1811, take, instead of it, the number which forms an exact third of the number of the inhabitants in Great Britain; namely,..... 4,114,333

3. Divide *inhabitants* 4,114,333, by *seats* 100, present actual number of inhabitants to a seat, neglecting fractions, is 41,143

4. Per Rickman, p. 30, "Scotland (with its islands) is about equal to Ireland in area, and is half as large as England and Wales." Supposing these dimensions correct, as they are sufficiently for the present purpose, say then square miles in England and Scotland taken together being 87,502, as above, square miles in Ireland are 29,167

5. Divide square miles 29,167, by seats 100, No. of square miles in Ireland to a seat is 291

Such are the existing proportions, as marked out by the Irish Union act, under the system of distribution actually in existence. Observe now what would be the proportions under a system of equal justice.

The *population* of Ireland being, as above, *one-third* of Great Britain, the number of *seats* allotted to Ireland ought to have been, and ought now to be, *one-third* of the number of those allotted to Great Britain.

1. No. of *seats* for Great Britain and Ireland taken together is 658
2. Instead of 658 take, for both together, the number which, being divisible by 3, is next above 658. This is 660
3. *Proper* share of Great Britain (three-fourths of 660) is accordingly—*seats*, instead of the present *actual* 558 495
4. *Proper* share of Ireland (one-fourth of 660) is—*seats*, instead of the present actual 100. 165

Anno 1707 (the year of the Scottish Union) Population of England, as per Rickman, from the Population Returns of 1812 5,240,000

Divide Inhabitants 5,240,000 by Seats 513, this gives, to a million of Inhabitants, Seats nearly 100

At that time the Population of Scotland could not have been less than 1,000,000

Seats for the million no more than 45

Note, on these occasions, as on all others, injustice, the continually increasing offspring of uncontrouled power. At the Scottish Union, England being strongest, was unjust to Scotland. At the Irish Union, England and Scotland together, being strongest, were unjust to Ireland. But, Scotland being swallowed up in England, it is still to England that the honour of the injustice is due. On the Ocean, England prides herself in being unjust to other Nations—in exercising dominion over them: and this is another of her honours. Lords of the Ocean indeed! This means Lords of all other men upon earth, whenever they come upon the Ocean. Out of our own country what right have we to be Lords over any other men any where? But the time is coming when rascality will be rascality every where: not less when manifested upon the largest scale, than when upon the smallest.

But (says somebody) is not this sowing dissension amongst the friends of reform? Sowing dissension, yes; so it would be, if, by shutting his own eyes, it were in a man's power to shut other men's: if by shutting their own eyes against injustice, when prepared to be committed to their advantage, it were in the power of Englishmen to shut the eyes of Scotchmen,—of Englishmen and Scotchmen together, to shut the eyes of Irishmen,—against injustice proposed to be committed to their disadvantage. But exists there any sort of mechanism capable of producing any such effect? I for my part know of none. Under the system of force and fraud, there is little difficulty in this; and practice insures, in a great degree, the success of it. Not so under a system of freedom and sincerity. In a case like this, I see not how, upon any tolerably promising grounds, a man can expect to receive justice, unless he begins with rendering it. For my part, I believe not that there either is, or can be, any scheme of political deception, that is not either already exposed, or in a way soon to be so. When a thing, that to me seems to be material, presents itself to my view, my notion always is—not that it will present itself to nobody else, but that it will present itself to every body else.

Though in Ireland there has not as yet been any *enumeration* of the people, nor has any such *survey* been commenced, as that in which such considerable progress has already been made in Great Britain, yet, as in Ireland the quantity of surface is not more than about one-third of that in Great Britain, Ireland seems to be the country in which the conjunct operation might reasonably be expected to be soonest completed.

Note XVIII. Page 41.

[*This considered*] The formulary thus expressed is here substituted throughout to the *Whereas* which has been hitherto in use. Without the benefit of the addition made by it to the otherwise sufficient incomprehensibility of the rule

of action, the sentences in an Act of Parliament are sufficiently protracted and involved: with this addition, the attention is frequently exhausted before so much as any one expression of the legislator's will is so much as commenced. In Ruffhead's edition I remember seeing a statute, in which the preamble, introduced by this word, occupies more than 13 pages of that close and spacious letter press. Bound volumes might be found, each of which does not contain more than this preamble. I am sorry I can not now make reference to the statute. I am inclined to think it is one of those of which the East India Company was the subject.

In French legislation the sort of matter our lawyers introduce by a *Whereas*, has a particular name. The times before the Revolution are those which I have in view. It is called the *Considerant* of the law. It exhibits the facts or supposed facts, on the consideration of which, in the character of *reasons*, or inducements, the law, or portion of law, has been grounded. But, like our *Whereas*, this *Considerant* used to *precede* the mention of the *facts*, and in the same way glue them together into one sentence. Leaving *them* to be set down before it one by one, the form here employed (it may be seen) sets them free.

The enormous practical mischievousness of the customary formulary—the sinister interest, by which it has been hitherto rendered sacred—the grammatical circumstances by which the two modes of expression stand distinguished—the alliance, which, on this as on every other part of the field of law, has place between fraud and imbecility—these are topics that must be reserved for a future occasion. In this place, the room which any thing like a full explanation would require, cannot be spared. Meantime, whatever may be the grammatical and logical description of the difference between the two modes, the effect of it can scarcely fail of rendering itself perceptible to every eye that has ever found itself condemned to drag itself along the length of a British Act of Parliament. *British-and-Irish* I mean: but, for the expression of this meaning, the Union Act (it has been seen) has not afforded us a *single* word.

Note XIX. Page 42.

Various and important are the *collateral* uses which a complete Register of this sort might be found to have, chiefly under the head of *Police;* for example, provision for the poor, prevention of crimes, securing the equal payment of taxes, &c. It will be evident, upon a little reflection, what strength would be given to whatever is good and popular in the laws, if, by means of every body's *habitation*, every body's *abode* were thus, *at all times*, capable of being made known to every body. Let it not be forgotten, that the state of things in which the sort and degree of notoriety, that would be the result of the survey here in question, would have place, would not be that unhappy state of things, in which it is a question whether most evil would be produced by the execution or non-execution, by the strength or the weakness of the laws.

Note (*) XX. Page 43.

Parishes in England and Wales are 10,674; in Scotland, 921: Parishes and Sub-parishes taken together, in England and Wales 15,741; in Scotland 1,005: Extra-parochial places, about 200. By Sub-parishes is here meant such Divisions of Parishes as severally maintain their own Poor (Stat. 13 & 14 c. 2, c.12). They are called 'Tythings or Townships.' Parishes and Sub-parishes together are the places stated as having made separate Returns. The Parishes so divided are chiefly the seven Northern Counties of England, and they are all so: 30 or 40 miles square is no unusual extent; upon an average these Northern are seven or eight times the extent of the Southern Counties. *Parl. Pop. Returns. Prel. Observ.* 14, 15.

Note (†) XXI. Page 43.

For the execution of this business, on which, trifling as it may seem, the right in question will in so great a degree be dependent, neither the individuals interested, nor any local authorities, would be to be trusted. In neither case could uniformity of proceeding, or compleatness of execution, be reasonably expected. In the case of individuals, failure in abundance would be produced by absence, poverty, or negligence; in the case of local authorities, by negligence or disaffection. In neither case would there be any effectual responsibility. In either case the expense would be greater than on the here proposed plan, reckoning consumption of time as expense.

As to the expense of the requisite remuneration for these Door-plate Fixers, if considered as constant, as in a certain degree it will require to be, it may naturally enough appear formidable. But, by uniting in the same individuals this function and that of the distribution of letters, this expense might be greatly reduced at least, if not wholly done away. To the exercise of both functions, in addition to *reading*, the same knowledge exactly and no more, would be indispensable: namely, an acquaintance with the site of every Habitation within their respective fields of action.

Supposing it to be regarded as interfering with the patronage, or in any other respects with the power, attached to the office of Postmaster-General, nothing less than the most determinate opposition from that office would of course be to be expected. But the functionaries immediately under the patronage of the Postmaster General are the several *Local Postmasters*, not the *Distributors of the letters:* and it is only to the function of *Distributor of letters* that that of *Door-plate Fixer* would have to be united.

It would be for consideration how far, for economy sake, it might be of advantage to unite, regularly or occasionally, the functions of District Clerk and Poll Clerk to the function of local Postmaster, instead of to the profession of attorney, as proposed in a former Note.

To the function of *Door-plate Fixer* that of *Constable* might, it should seem, be united with no small advantage: and thus, in so far as a Constable is at present remunerated at the expense of the public, a proportionable saving might be effected.

Note (*) XXII. Page 47.

Among the artifices of misrule, are needless and useless and groundless nullifications, interruptions, and terminations of public business. No measures but those that have for their object either the interest of the people, or the interest of the Opposition, suffer by these obstacles. The Crown has times and seasons at command.

Note (†) XXIII. Page 47.

[*Resignation.*] At present a seat cannot be vacated by simple resignation. When a Member wishes to resign, he cannot do so without being appointed to an Office under the Crown: which appointment, Monarch or Minister may refuse, or delay as long as he pleases. Refusal is not, indeed, customary: but it is not the less legal; and might, and would at any time be resorted to, if an expected successor were to a certain degree obnoxious. In Ireland, before the Union, and on the occasion of the Union, it was actually resorted to.

Among the inwardly harboured maxims, by which the practice of Honourable House conducts itself, a leading one may be stated to be this:—never do in a direct way that which you can do in an indirect way; in other words, never do without insincerity that which you can do by insincerity.

Thus in the present case, one man cannot make room in the House for another, but a false pretence for it must be made: a false pretence; and to that false pretence, not only the outgoing Member himself, but the Monarch and Minister likewise are parties.

The ground of the falsehood is this. In the Statute Book are some half dozen Acts, mentioning by general description, certain Offices, and other sources of emolument at the pleasure of the Crown, and declaring, that upon acceptance given to any Office, &c. coming within that description, by a Member of the House of Commons, his seat is vacated. Why vacated? Because were he to continue in it, the Office being one of those to which emolument is attached, his conduct would, by the fear of losing it, be apt to be rendered subservient to the particular interests of Monarch and Minister—adverse to the universal interest. Thus the very principle of all the Acts is the notorious corruptness of the system, of which they make a part.

Among these Offices, is one called *the Stewardship of the Chiltern Hundreds.* Of the system of falsehood, without which a seat is not suffered to be vacated, this Office is the constant instrument. On this occasion the following is the pretence, the falsehood of which is so notorious. Regarding the person in question, as being eminently fit for the trust in question,—and willing, as well as able, to perform the duties of it, and thereby to earn the emolument attached to it,—his Majesty has been advised, and is graciously pleased, to select him for that purpose, and place the Office in his hands. What, in the instrument of appointment, is actually *expressed,* I cannot pretend to say: nor can at this moment be certain whether any instrument for this purpose actually receives official signature. But, whether expressed or no, such are the allegations *implied.* Willing, and determined to do his best towards the fulfilment of these duties, the Member who has thus been singled out, gives, on his part, to his Majesty his humble thanks, and to the Office his acceptance. This being what is said—said by Monarch and by Minister—both saying it in solemn form by their signature, how stands the matter of fact? No duties whatever: no selection: the Office is given indiscriminately and successively, to every Member that applies for it; to all Members, who, one after another, apply for it: perhaps to several on one and the same day.

Thus drenched in insincerity is Honourable House. It is by insincerity men get into it: it is by insincerity men get out of it. Hear their Speeches: look to their Votes: look to their Journals: see whether, without insincerity, any thing that is done there, is ever done.*

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* It is from the class of men by which the proceedings of Honourable House have at all times, as they could not but have been, been guided, that the insincerity so conspicuous in the whole frame of them, has manifestly been derived. Lies manufactured by lawyers as such, are even by themselves acknowledged to be untruths, and, as such, constantly spoken of under the name of *fictions.* But never was the appellation of *a lie* ascribed to any thing with more strict propriety than to these *fictions. A fiction of law hurts nobody,* says one of their Latin maxims. This lie embraces, and overtops all the others. A fiction of law hurts *every body.* Never was any one of these lies told, but it had for its object, and as far as it compassed its object, for its effect, usurpation and injustice. When a Judge wanted to do something which he was conscious he had no right to do, his way was, in relation to some matter of fact, to make an assertion, which, if true, might have afforded him a justification for what he did; but which, to his knowledge, was not true. Here then was a gross lie: and by lies of this sort, in the dark ages, did Judges contrive to steal power, sometimes from Parliament, sometimes from the Monarch, sometimes from one another, under favour of that universal ignorance, which they had so successfully laboured to keep up, by the clouds in which, by these and other means, they had succeeded in enveloping their proceedings. The detail of these lies,

Were not all regard for sincerity almost universally cast off in Honourable House—cast off by Whigs not less completely than by Tories—could sham representation have stood thus long in the place of genuine?

Among the effects of Radical Reform, would be—not only in Honourable House, but in so many other places—in other Houses—on the throne—on the Seats of Judicature—in the Seats of Education—if not to put an end to *his*, at any rate to put an end to the *empire of his.*

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and these thefts, may be seen in Blackstone: in Blackstone, who, so thoroughly depraved by bad education were his understanding and his morals, saw, for any thing that appears, no harm in it. Yes: usurpation and injustice. Never, in the coining of any one of these lies, could the coiner have had any better object: for if what he was doing had not been contrary to justice, the lie would have been of no use to him. Contrary to justice? Yes, and even contrary to *law*, as it stood, in so far as in such a shape, and in such hands, any thing to which the name of *law* could with propriety be applied, could be said to stand, or to have existence.

For some time past, no fresh lies of this sort—none at least that in flagrancy can compare with the old stock—have been coined: the people, it may have been feared, would not bear it. But the old stock is made the most of:—several purposes are continually answered by it:—purposes, as baneful to the people, as beneficial to those by whom the base currency is forced upon them. A vice, which for its mischievousness ought to be an object of universal abhorrence—the vice of insincerity in its very grossest forms—has, to their own profit—such is the efficiency with which power, decked in false science, can produce delusion—been converted by them into an object of almost universal veneration. To an eye that dares open itself, a curious sight is—to see how, in the very act of punishing this vice in others, they revel in it themselves.—No; never has man been punished by them for lying, but a string of lies has been uttered by the Judge, to help form the ground for punishing him. Every record is the discourse of some Judge or Judges. Look into any record, you will see the lies it teems with. Examine in detail the forms of judicial procedure, and see whether it be not in insincerity that they began, and from the beginning have continued.—No proposition so absurd, no practice so flagitious—that custom and habit will not reconcile men to. When the King has made a man a Judge, amongst other powers is this of converting vice into virtue: this is among the articles of faith which hitherto the people have had the goodness to believe.

It may be seen in another work *(Swear not at all)* whether the Clergy of the Establishment are not, on their part, trained up for years in a course, even confessed by themselves to be, that of *habitual perjury*: not to speak of the insincerity in so many other forms, with which without exception, men, on their entrance into that profession, are by authority of law compelled to defile themselves.

Of the sort of morality thus imbibed by the higher orders, who does not see—yes, and feel but too sensibly—the effects? in particular the effects produced by it in Honourable House, and in the whole system of sham representation, on which it stands. To men thus educated, how can insincerity, when so constantly practised to their own sinister purposes—be otherwise than an object of fond affection, and sincerity an object of terror and abhorrence? Thus it is, that whatsoever regard for sincerity has place in the "*lower orders*," it is not in *consequence* but in *spite* of the example set them: set them by those, who, on no better ground, than that of the riches and power with which fortune has favoured them, pretend to constitute the only class in which either wisdom or virtue is to be found.

Protest against high-seated vice in this and so many other shapes, the answer is—You are *an enemy to English institutions*: as if, only by continuing to practise it, Englishmen had a power of converting vice into virtue.

Note (*) XXIV. Page 49.

[*Acceptance of a Peerage*]. This source of mischief should be cut off: and, if under radicalism; of course it would be.

1. In the hands of Monarch and Minister, it is a perpetually ready bribe, for those who could not be bought by bribe in any other shape.

2. It gives additional strength, to a body of men, whose interests are avowedly distinct from, and thereby unquestionably opposite to, the universal interest; and who have in their hands the means of making perpetually repeated sacrifices of the universal interest to that separate and sinister interest.

3. It is giving continual increase, to a breed of men who from increase of numbers and extravagance, are in large proportion continually sliding down into a sort of elevated pauperism, which, according to an avowed maxim of Government, must be pampered at an expense proportioned to its factitious elevation, See the avowal of the maxim proved—upon the Whigs in the "*Defence of Economy against Burke*," and upon the Tories in the "*Defence of Economy against Rose*;" both printed in the Pamphleteer.

To a limitation of this sort the Peers themselves would naturally have no great objection. In the reign of George the First, by an odd concurrence of causes, it was favoured not only by the Lords, but by the Minister. But, as was altogether natural, it was effectually opposed in Honourable House.

Note (†) XXV. Page 49.

For an exposition of the words *annoyance* and *disturbance*, see Appendix.

Note (‡) XXVI. Page 49.

This Section has two objects:

1. To obviate the apprehension that annoyance may be given in the House to men of high habits by men of low habits; for, with men of this obnoxious description, to an unlimited amount, imagination, howsoever opposed by reason and experience, will, in the high-seated minds, be busy in peopling the House, supposing the Seats in it filled by free and universal suffrage.

2. To secure individual Members against groundless expulsion, and thereby their Constituents against injury, by the injustice of an occasional majority of the House.

It being clear that, under any order of things, every governing assembly must possess, over its own Members, whatsoever power is necessary to secure its proceedings against disturbance,—on this ground it is that Honourable House reserves to itself, of course, the power of excluding from its walls any person who shall have been pointed out by Monarch or Minister, to be so dealt with.

Thus it was, that, in 1764, to please the Monarch, it expelled *John Wilkes*. The alledged cause was *a libel;* and a libel is—any discourse, in print or writing, which he who has power to punish for it chooses to punish for. Had that pretext failed, any words that had been spoken by him might have served: for, any words that Honourable House chose to expel a man for, might, and at all times may be, for that or any other purpose, voted *scandalous: scandalous*, or upon occasion, what would form so much stronger and commodious a ground, *blasphemous*. For, on the field of religion, whatever a man says that another man does not like, is, according to that other man, *blasphemy:* whereupon, in so far as he has power, he makes the miscreant smart for it.

Under the sway of corruption, no species of annoyance can be imagined, that Honourable House would not submit to, rather than submit to have this

privilege defined, and thereby confined to its real uses. Not so under Radical Reform.

The paramount objects here have been—to give effect to all legitimate causes of exclusion, and in so doing to put an exclusion upon all illegitimate ones. For this purpose, it was necessary to take what promised to be an exhaustive view of the legitimate ones. A temporary object was that which is herein above first mentioned: quieting the alarm which, in such a case, seemed liable to be felt by the opulent multitude, to whom personal ease is every thing, public interest nothing.

Note XXVII. Page 50.

Hitherto, so long as a Speaker has been indisposed, the business of the House, and thereby the business of the Nation, has been at a stand. On or without an intimation from a Monarch or a Minister, a Speaker, as well as any other man, may be indisposed whenever he pleases. The business of the nation is of no importance: a Speaker of the Commons House is not susceptible of infirmity, bodily or mental:—One or other of these maxims is what the present practice in this matter has for its ground: it rests with Honourable House to say which. For the causes, see the Note xxiii to p. 47. Under Radicalism, the business of the Nation will *not* be of no importance: under Radicalism, a Speaker will *not* be exempt from human infirmity.

Under real and preappointed law, the man in power, Monarch, Minister, Judge—be he what he may—is not altogether without check: there is a something, which is or may be, in the eyes of every body, and which he may be *expected* at least to be bound by. Under imaginary and retrospective, or—as the phrase is—*expost facto* law, (for such is all Common Law) he is without check: on each individual occasion, he imagines whatever suits his sinister interest, and says—*this is law.* This (he says) *is* law: and, as if that were not enough, from the beginning of things, down to this time, so (if you will believe him) it *has* been; though this is the first time that any such thing ever entered into man's thoughts. See this in Blackstone: and this it is that makes "Common Law the perfection of reason." Of reason? but in what eyes? In the eyes of all those who have, or have had, the making of it; and of all those others whom they have made their dupes.

APPENDIX,

INCLUDING

GENERAL EXPLANATIONS.

On the present occasion, it was thought better not to incumber the text of the proposed Bill with any considerable portion of the matter, which, on the supposition of its being completed, would have been to be inserted in this place. The text of this part may eventually be added, together with the *Reasons* at large.

Of the particulars which, in this place, there will be occasion to bring to view, the use, if any, will not be confined within the limits of the present Bill: it may be seen extending itself over the whole field of legislation.

To an Appendix, on this as on other occasions, are proposed to be referred five distinguishable sorts of matter: 1. Fixation. 2. Exposition, or Explanation (including Definition). 3. Enumeration. 4. Abbreviation. 5. Forms of Instruments. For designation these names will, it is hoped, be found to serve. Exemplifications as well as explanations now follow.

1. *Fixation.* Instances there are, in which, senses more than one being plainly enough brought to view by the word or phrase in question, doubts may have place, in which of them it was meant that they should be understood. Of the operation termed *fixation*, the function in these cases is—to indicate, according to the occasion, some one of those senses to the exclusion of the rest.

Take for example the word *day*:

1. On some occasions it is employed to mean a determinate portion of the time occupied by a revolution of the earth round the Sun.

2. On other occasions, it is employed to mean no more than a *portion* of that time; namely, that portion, as far as it can be distinguished, during which the light of the sun is visible: in this latter case, the meaning is expressed without ambiguity by the words *day-time*, *the day-time*.

3. When a portion of time is spoken of, as the time within which a certain operation is required, forbidden, or permitted, to be performed,—and, for the designation of it, the word *days*, in the plural, preceded by the name of a number, is employed,—as for instance, *five days*, or *ten days*,—thence is liable to arise a question, whether in the portion of time thus designated, are to be considered as included so many days, each of them entire; or whether the intention will be satisfied, if the first only, or the last only, or both the first and the last, are respectively but the *portion* of a day. It is on these occasions, that in common usage, the words *inclusive* and *exclusive* come to be employed in conjunction with the word *days*. Fuller explanation cannot be given without more space than can be spared here.

For the removal of the ambiguity thus brought to view, in several parts of the present Bill, an appropriate fixation would need to be made. Of this case, the passages in which the word *days* is preceded by a blank space, afford so many instances.

4. In the instance of the word *days*, taken as above in the plural, a particular demand is created by the institution of the *Sabbath*. On the occasion in question, in the number of days mentioned, shall the Sabbath day, where it happens to form one of them, be reckoned, and considered as included, or shall the number intended be understood to be that same number, *over and above* the Sabbath-day? The answer will depend on the nature of the occasion. If what is regarded as *work* be to be done in the intervals, the intervening Sabbath-day or Sabbath-days must be considered as added to the number: otherwise not.

II. *Exposition* or *Explanation*, including *Definition*. The demand for *fixation* has place, in so far as, by the word in question, more senses than one are, all of them, more or less distinctly brought to view: what in this case is necessary is—to decide between them, by *fixing* upon some one of them to the exclusion of the rest. The demand for *exposition* or *explanation* has place, in so far as, were it not

for the operation thus denominated, it might happen that no object at all might present itself as clearly designated. *Fixation* has for its purpose, the removal of *ambiguity:* explanation, the clearing up of *obscurity.* Between the import of the words, as thus explained, the separation will not always be very distinct: especially since, by the same word, on the same occasion, a demand for both operations may be presented: and, although by the operation which happens to have been performed, no more than one of them may have been the direct object, the other, it may happen, has been accomplished.

Synonymous, or nearly so, to *explanation*, is *exposition.*

Of *exposition* there are several modes. For the complete enumeration and explanation of them, more room would be requisite than can be afforded in this place.

A mode commonly employed, or at least intended and supposed*

* Why say "*intended and supposed?*" as if the thing intended on an occasion of this sort ever failed of being done? To this question something of an answer may here be expected. By logicians, when speaking of a *definition*, is commonly meant, as of course, the mode termed in Latin *definitio per genus et differentiam:* definition, afforded by the indication of a more extensive collection of objects, to which the object in question belongs—some *genus* (as the phrase is) of which it is a *species*,—together with the indication of some peculiar character or quality, by which it stands distinguished from all other objects included in that same collection—from all other *species* of that same *genus:* and this form is that which, when what is considered as *a definition* is given, is the form constantly intended and supposed to be given to it.

Now then, by him who undertakes to give a definition in this form, what is necessarily, howsoever tacitly, assumed, is—that there exists in the language a word, serving as the name of a *genus* of things, within which the *species* of things, indicated by the word he thus undertakes to define, is comprehended. But words there are, and in no small abundance, of which definitions of this sort are frequently undertaken to be given,—or which are supposed to be, as clearly and generally understood, as if definitions in this form could be and had been given of them,—but for which, all this while, no such more extensive denomination is afforded by this or any other language: and among them, words which, in law and politics, are in continual use, and upon the signification of which, questions of prime and practical importance are continually turning. Take for instance, the words *right*, *power*, *obligation.* Now, in the way in question,—namely, by indication of so many superior genus's of things, of which these words respectively designate so many species,—it is not possible to define these words. No one of these three words can you thus define. The word

to be employed, is that styled *definition*. By *definition* seems commonly to be understood, the exhibition of some word of more extensive signification, within the signification of which, that of the word in question is included,—accompanied with the designation of some circumstance, whereby the object designated by it, stands distinguished from all others, that are in use to be designated by that more extensive appellative.

Man (for example) you *can* thus define: you may do so, by saying that he is *an animal;* and then stating a quality, by which he is distinguishable from other animals. Here then is a word you can and do thus define. Why? Because, comprehending in its import that of this same word *man*, stands that same word *animal*, by which is accordingly designated a *genus*, of which *man* is a *species*. So likewise in regard to *operations:* for example, that of *contracting*, in the *civil* branch of the field of law; and that of *stealing*, in the *penal* branch of that same thorny field. *Contracting* is one *species* of *operation; stealing* is another. But this you cannot say in the instance of *right*, or *power*, or *obligation;* for a *right* is not a *species* of any thing: a power is not a *species* of any thing: an *obligation* is not a *species* of any thing.

The objects, of which the words *man, animal, substance*, are names, are extensive sorts or kinds of *real* entities: the objects, of which, the words *right, power, obligation*, are names, are *not* sorts or kinds of any *real* entities: the objects, of which they are sorts or kinds, are but so many *fictitious* entities.*

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* For expounding or explaining the import of any one of these names of fictitious entities, the nature of the case affords but one resource; and that is, the finding some class of real entities, which is more or less clearly in view as often as, to the name of a class of fictitious entities, any clear idea stands annext,—and thereupon framing two propositions; one, in which the name of the fictitious entity is the leading term; the other, in which the name of a corresponding class, either of real entities, or of *operations* or other *motions* of real entities, is the leading term:—this last so ordered, that, by being seen to express the same import, it shall explain and make clear the import of the first. This mode of exposition has been termed *paraphrasis—paraphrase:* giving *phrase* for *phrase*.

It is for want of observation made of this distinction, that all attempts to define words of the description in question, such as *right, power*, and *obligation*, have proved abortive. Of a regular and comprehensive body of law, framed in subservience to what are or ought to be the ends of law, a set of appropriate expositions for words of this description would be an indispensable accompaniment; but, for any such work *this* is no proper place.

In a Work entitled *A Fragment on Government*, published by the Author in 1776, without a name, and long since out of print, indication was, for the first time, given of the utter impossibility of doing that which, in such numbers, men have been continually supposing themselves to have done. Instead of a *superior genus*, what on this occasion has been brought forward has been some term

III. *Enumeration.* Of this word the import is sufficiently clear: it neither requires, nor admits of, *fixation* or *explanation*.

Of the occasion in question enumeration may have for its subjects either *species* or *individuals*. Of species or modes of *operation*, instances are afforded by the present Bill. They will be found in the ensuing example of *Exposition*, as applied to the words *disturbance* and *annoyance*, which may be seen in black letter in the text of Section 3. *Security &c. against disturbance, &c.*

Of the species contained under the given name of *Offices*, an enumeration is proposed by the present Bill, namely, in Section 13, *Eligible who*, as constituting another portion of matter proper for the *Appendix*.

NOTE.

Note that in the particular case here in question, namely, that of *Offices*, &c. of a certain description, considered as having the effect of excluding the possessor from a Seat in the House—it is not altogether clear, that any enumeration of them would, to the purpose in question, be absolutely necessary; definition with exemplification might perhaps suffice. On the other hand, what is certain is—that without *definition* or *explanation*—without words of general description—enumeration, in a case such as this, would not suffice, Why? Because if *enumeration* were the only mode of designation employed, sinister ingenuity could not fail to set itself to work; under different names it would pour in objects on which it would bestow the desirable quality, free from the undesirable one; instead of *Offices*, it would attach the emolument to *functions*, to *situations*—to *trusts*—to *posts*—to any thing: and thus the purpose of the law would be evaded. To establish distinctions where there are no differences, is among the endeavours and the performances—not only of Crown Lawyers, but of every Member of that profession, of which insincerity and artifice are not so much the confessed as the professed attributes.

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or other bearing in its import such a resemblance to the term in question, as to be capable of being, on some occasions, with little or no impropriety, employed instead of it. *A right is a power*—or *a power is a right*—and so forth; shifting off the task of definition, backward and forward, from one word to another; shifting it off thus at each attempt, and never performing it.

But, though *a right* is not itself a species of any thing, *right* has divers species perfectly and clearly distinguishable: namely, by means of the *benefits*, which they respectively confer, and the *sanctions*, by which they are respectively created: and for each of these species a separate exposition would be found requisite.

Give us our rights, say the thousands and the millions. *Give us our rights* they say, and they do well to say so. Yet, of all who say so, not one perhaps can say, not one perhaps ever conceived clearly, what it is he thus calls for—what sort of a thing *a right* is.

IV. *Abbreviation.* To the result designated by this word, the operations, designated by the three foregoing words, *fixation, explanation*, *enumeration*, may, any of them, be rendered subservient. For these several instruments of perspicuity, let the *word*, for which they are respectively in demand, present itself in the body of law in question, ever so many times,—the *demand*, for the sort of elucidation respectively afforded by them, may present itself that same number of times.

At the same time, if every time the principal word came to be employed, the adjunct or adjuncts, such as have been deemed necessary as above, were to be attached to it at full length, there is no saying to what enormity of extent the bulk of the body of law would thus be swelled. Happily, to the production of the effect required, no such full length repetitions are necessary. If, to the principal word in question, the adjunct or adjuncts deemed necessary are but annexed the first time it comes to be employed, every succeeding time the word is employed, the purpose of them may in great measure be answered, by a bare notice given of their existence.

For a memento of this sort, the typographic art affords an instrument as simple as it is efficient—*an appropriate type :* and if, throughout the whole tenor of the work, this type be not applied to any other use than this, any sort of type may serve.

In the text of the present Bill, may be seen an example. In Section 13, *Security, &c. against disturbance, &c.*, to the words *disturbance* and *annoyance*, an elucidation, the tenor of which will be seen presently, is proposed to be applied in the Appendix. Of the aid thus provided for sincere conception, and the check for sinister application, notice is afforded by the type called *Black Letter*, in which they are printed.

Thus, and without prejudice to *certainty*, may the operation of abbreviation be performed, upon a mass of law, *by means of* the above described instruments of elucidation—any or all of them.

But it may also be performed *without* any of them. Examples may be seen in the *Introduction* to Burn's Justice. Of the two parts contained in that Introduction, the first has for its title—"*Certain abbreviations made use of in this work.*" Of these instances of abbreviations (23 in number) the first is in these words: "1. The

word *Justice* is always to be understood to mean *Justice of the Peace*, when not otherwise expressed." In this case, to the principal word *Justice* is added (we see) an *adjunct:* and the abbreviation consists in the constant omission of this adjunct. With few, if any exceptions, in the other twenty-two instances the instrument of abbreviation employed is the same; namely, *omission of an adjunct:* notice of the omission, once for all, having thus been given.

Of the abbreviation thus afforded, the utility cannot but have been felt by thousands and tens of thousands. But, that from the above-mentioned instrument—an appropriate type—the service so rendered could not but have received no small increase, will be no less manifest. For, among so many readers of that useful and masterly performance, scarcely perhaps has there been one, to whose mind the notice so given once for all at the commencement of the work, has, in all its parts, been at all times present. By an appropriate type, it would, on each occasion, have been revived. By the appropriate type, true it is, that the particular nature of the adjunct omitted would not have been expressed. But a notice which, on every occasion, *would* have thus been given, is—that to the word or phrase in question, an elucidation would be found provided, in some shape or other: and in what particular shape, is a point, which the nature of the context would not often leave exposed to doubt.

Abbreviation is not the only useful purpose, to which the separation thus proposed between text and authoritative comment is capable of being made subservient. Another is—the saving from the imputation of frivolousness, or even of ridiculousness, this or that matter of detail, the insertion of which may, by an attentive consideration of the subject, have been represented to the draughtsmen as indispensable. In a case of this sort, if he declines employing the expedient, his work will be liable to find itself in a dilemma, from which it will not be easy for him to disengage it without injury to it. If he omits the obnoxious matter altogether, he leaves the door open to wilful misrepresentation, to misapplication, and arbitrary rule: if he inserts it, he gives disgust to the thoughtless many, to whom the sensation of the moment is every thing, the future nothing—and who either can not or will not see, that by those who have the power, misinterpretation, wherever, in addition to a motive, any the slightest pretext can be

found for it, will be sure to be practised. At the same time, by the addition which it can not but make to the bulk of the mass of law, the subordinate species of matter, if not detached from that to which it is subordinate, will, in proportion to its bulk, contribute to render the whole mass to such a degree incomprehensible, that while inefficient as a protection, it will be efficient only as a snare.

True it is, that whether interwoven with the main body or detached from it, the matter of elucidation will not the less be the legislator's work. But in the main body it would present itself to all readers and on all occasions: in the Appendix it would as it were withdraw itself from the attention of readers in general, reserving itself to be consulted only by this or that particular class of readers, and by them only eventually, in case that by this or that event a call for their applying their attention to it should be made: and, in this case, as the occasion will place the importance of the explanation in its true light, it will thus be saved from the imputation of frivolousness.

V. *Forms of Instruments.* Of this species of matter, the form of a *Vote-making Certificate* in Section 2, and the form of a *Recommendatory Certificate* in Section 3, afford so many examples: for matter of this sort, the Appendix has just been spoken of as being, generally speaking, a proper place. That it would have been such in the present instance will scarcely appear disputable. But, on the present occasion, so paramount was the importance of these two instruments—so much of the whole plan do they give intimation of—that, though the *Appendix* could scarcely be denied to be *a* proper place, the *Main body* of the proposed Act would, it was thought, be deemed *the* more proper place.

When the destination of this receptacle—the *Appendix*, is thus settled and determined—the structure of the work of which it forms a part will, in some sort be to be directed by it. To the Appendix may be referred whatsoever matters appear capable of being thus disposed of, consistently with the grand object—namely, the implanting and keeping, at all times, in the mind of the subject-citizen such part of the rule of action—such part and such only—as, according to his situation in life, he may have need of for his guidance at *all* times: reserving for other parts those particulars which it will not be necessary for him to

form any detailed conception of, till a particular state of things, calling for application to be made to that part of the law, has taken place. Thus, whatever concerns this or that species of *contract*, a man cannot have any need to trouble himself with, till either he has entered into a contract of that sort, or has in contemplation the entering into it, or has need to enter into it. But this refers to another division of the entire body of the law: namely, the division into the *General Code* and the collection of *Particular codes;* the *General Code* containing those parts of the rule of action which all persons have need to be informed of; the Particular Codes, those parts only which so many particular classes of persons have respectively need to be informed of.

As in the present proposed Act, so in any other Act, and in the whole body of the law, if any such work were any where to come into existence, here then would be two distinguishable parts—*Main body* and *Appendix*. In the Appendix would be included the *Elucidations*, the *Abbreviations*, and the *Forms of Instruments*. To this part might also be consigned the *Rationale*, or collection of *Reasons*, supposing provision made of an instrument of elucidation and justification at once so useful, and so difficult to frame. I say the *Rationale;* for to this place it might be posted off, except in so far as, in this or that instance, for the more immediate perception of this or that *reason*, it were thought fit, either to interweave it with the body of the Article to which it belonged (a mode frequently pursued in an Act of Parliament, and pursued in several places of the present Bill), or, in the form of a Note, to subjoin it, in the margin, at the bottom of the text.*

* In its application to the *penal* branch of law, this mode stands exemplified in the first of those works of the Author's on legislation, which were edited in *French* by *Mr. Dumont*. In this way a quantity of letter-press, not larger than what has been seen contained in an Almanack, might supply a man with as large a quantity of legal information, as he would have need to carry in his head, with the addition of appropriate indication, sufficient to enable him upon occasion to present to his mind, in time for use, whatever was not contained in it.

In every such abridgment, it being as truly the work of the legislator as the work at large of which it is an abridgment, every man would of course behold a rule of action, on which he could repose an equally safe confidence.

I cannot let this occasion pass without observing, that an abridgment thus made is the only sort of abridgment on which any such confidence can be placed. On the part of any *uncommissioned* abridger, no degree of ability can have any

Taken together, Main body and Appendix would be the entire Code. Separated from the Appendix, the Main body would be a sort of *Abridgment* of the entire Code. Sanctioned by the same hand as that from which the Appendix received its sanction, the abridgment thus made would be an *authoritative* one.

Here follows the portion of *expository* matter, proposed to be inserted in the Appendix for the exposition of the words *disturbance* and *annoyance* in section 13 of the text.

[*Disturbance—Annoyance*] Art. 1. To this purpose, it matters not in what shape, and by what means, the annoyance be produced, if among its effects be that of causing disturbance to the proceedings of the House.

Art. 2. It matters not to what *sense*, or what *faculty*, the annoyance has been applied: as for example—

1. To the sense of *hearing;* by noise, whereby Members are prevented from hearing any thing spoken or read: for instance, by untimely vociferation, by stamping or scraping with the feet; or even by coughing or blowing of the nose, if performed, not through necessity, but for this or any other forbidden purpose.

2. To the sense of *sight;* for example, by preventing any Member or Members from having the Speaker of the House in view, or the Speaker from having any other Member in view; or by repairing to the House, with the visible marks or other symptoms of any noisome disease.

3. To the sense of *smell;* by uncleanliness in any shape.

4. To *health in general:* by a Member repairing to the House at a time when he is labouring under any infectious disease.

5. By personal injury in any shape, done,—or attempted, or intend-

such effect as that of giving to his work a just title to any such confidence. In the original, suppose imperfections in any abundance; in the abridgment, none. The greater the number of these imperfections, the more delusive and dangerous to trust to will the abridgment be. For it is from what the original *is*, not from what it *ought* to have been, that the interpretation put upon it by *the Judge* will be deduced. Unless indeed it should happen to suit his private views to interpret it according to what it *ought* to have been. For wherever, through the medium of that which *is*, that which *ought to have been* and *is not* is discernable, the Judge is upon velvet: with hands decorated with sham chains, he decides this way or that way, whichever he finds most agreeable and convenient.

ed, or proposed to be done,—to any Member, or any Officer of the House, or to any other person present.

6. To the tranquillity of the Assembly, by words or deportment, threatening personal injury, in any shape,—to be done, whether to the whole Assembly present, to any particular Member, or other person present. Here ends the *Explanation.*

In the particular case here exemplified, supposing that, as here, in the designation of the proposed Ground for exclusion, words such as "*annoyance*" and "*disturbance*" (the words employed in the Bill) were employed, I durst not, without very particular exposition, such as that here proposed to be given, depend upon them as sufficient to secure the exclusion of sinister interpretation: in particular, on the part of Honourable House, even under any Constitution that would be given to it. In the reign of Charles the Second it was, that Honourable House concurred in an Act (18. C. II. c. 2, s. 1.) declaring the importation of Cattle into England from Ireland "*a nuisance*," and punishing it as a crime. Were it not for the check, applied by specifications such as the above,—with less violent torture of words might the House, at any time, have applied that term of reproach, to the act of any Member, who, rendered obnoxious to Noble Lords and Honourable Gentlemen by attachment to the cause of the people, had, by some trifling indecorum, in language or deportment, afforded a pretence. Not many years ago, a Member, whose language had long been sufficiently indecorous, was stopped in the very act of offering violence to the person of the Speaker. Being on the right side in politics, and violent on that side—his transgression was regarded with the indulgence that might have been expected. But had Horne Tooke been the man—Horne Tooke, for dread of whom, after the House had, for so many ages, continued open to Clergymen without inconvenience or complaint, an exclusion was put upon the whole Order in the lump—mercy might not quite so readily have taken the place of justice.

THE END.

J. M'Creery, Printer,
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